JOURNAL

OF THE

REGULAR SESSION

OF THE

House of Representatives

OF THE

COMMONWEALTH OF KENTUCKY

Begun and Held in the City of Frankfort, the Fourth Day of January, in the Year of Our Lord, 1910, and of the Commonwealth, One Hundred and Eighteen

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PROPERTY OF THE STATE OF KENTUCKY

LOUISVILLE
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1910

JOURNAL

OF THE

House of Representatives

TUESDAY, JANUARY 4, 1910.

At a General Assembly of the Commonwealth of Kentucky began and held at the Capitol in the City of Frankfort (it being the first General Assembly to hold its session in the new Capitol Building just completed) on Tuesday the fourth day of January in the year of our Lord, One thousand nine hundred and ten, and the One hundred and eighteenth year of the Commonwealth, that being the day fixed by the constitution for the meeting thereof, James E. Stone, Chief Clerk of the House of Representatives during the session of the General Assembly last past, called the House of Representatives to order and after prayer by Rev. J. R. Zeigler, Pastor of the First Presbyterian Church at Frankfort, Ky., produced and read the following certificate from the Secretary of State, viz:

COMMONWEALTH OF KENTUCKY,

OFFICE OF SECRETARY OF STATE.

I, Ben L. Bruner, Secretary of State for the Commonwealth of Kentucky, hereby certify that at a regular election held on the 2d day of November, 1909, the following named persons were duly elected as members of the General Assembly of the Commonwealth of Kentucky for their respective districts, as appears from certificates of election on file in my office to-wit:

From the counties of Adair and Cumberland—W. G. Keen.

From the county of Allen—R. A. Read.

From the county of Anderson—L. H. Carter.

From the counties of Ballard and Carlisle—G. W. Reid.

From the county of Barren—J. T. Riherd.

From the counties of Bath and Rowan—A. H. Points.

From the counties of Bell, Harlan, Leslie and Perry—S. B. Johnson.

From the county of Boone—J. W. Berkshire.

From the county of Bourbon—Sidney G. Clay.

From the counties of Boyd and Lawrence—H. L. Lewis.

From the county of Boyle—W. F. Pitman.

From the county of Bracken—G. T. Reynolds.

From the counties of Breathitt, Lee and Magoffin—J. H. Evans.

From the county of Breckenridge—S. P. Parks.

From the counties of Bullitt and Spencer—J. R. Zimmerman.

From the counties of Butler and Edmonson—H. T. Rich.

From the county of Caldwell—R. H. Akin.

From the county of Calloway—Henry Chunn.

From the county of Campbell—Edward A. Webber.

From the city of Newport—W. H. Newell.

From the counties of Carroll and Gallatin—Z. T. Coleman.

From the counties of Carter and Elliott—A. J. Counts.

From the counties of Casey and Russell—J. M. Blair.

From the county of Christian—Herman Southall.

From the county of Clark—R. D. Hunter.

From the counties of Clay, Jackson and Owsley—Faris Roberts, Jr.

From the counties of Clinton and Wayne—W. L. Shearer.

From the counties of Crittenden and Livingston—Marion F. Pogue.

From the county of Daviess—(1st Dist.) P. W. Berkshire.

From the city of Owensboro—(2d Dist.) Eli Berry.

From the counties of Estill and Powell—W. F. Welch.

From the county of Fayette—C. C. Patrick.

From the city of Lexington—Wm. F. Klair.
From the county of Fleming—Chas. W. Fulton.
From the counties of Floyd, Knott and Letcher—W. G. Caudill.
From the county of Franklin—James T. Buford.
From the counties of Fulton and Hickman—Frank S. Moore.
From the county of Garrard—J. O. Bogie.
From the county of Grant—John S. Steers.
From the county of Graves—O. Houston Brooks.
From the county of Grayson—S. C. Roberts.
From the counties of Green and Taylor—O. M. Kelsey.
From the county of Greenup—J. H. Williams.
From the county of Hancock—G. H. Plitt.
From the county of Hardin—John C. Pirtle.
From the county of Harrison—H. C. Duffy.
From the county of Hart—S. F. Crabtree.
From the county of Henderson—Ben E. Niles.
From the county of Henry—G. C. Waggoner.
From the county of Hopkins—L. R. Ray.
From the county of Jefferson, 44th District—L. C. Owings.
From the city of Louisville, 45th District—J. M. Letterle.
From the city of Louisville, 46th District—Peter J. Cosgrove.
From the city of Louisville, 47th District—L. W. Francis.
From the city of Louisville, 48th District—Hite Huffaker.
From the city of Louisville, 49th District—Robt. L. Harris.
From the city of Louisville, 50th District—S. M. Carson.
From the city of Louisville, 51st District—Samuel L. Roberts.
From the county of Jessamine—Hugh Mahin.
From the counties of Johnson and Martin—J. W. Turner.
From the county of Kenton—Don. G. McVean.
From the city of Covington, 81st District—H. J. Meyers.
From the city of Covington, 82d District—W. A. Price.
From the counties of Knox and Whitley—W. B. Creekmore.
From the county of Larue—Dr. R. H. Moss.
From the counties of Laurel and Rockcastle—J. J. Taylor.

From the county of Lewis—T. M. Bertram.
From the county of Lincoln—W. H. Shanks.
From the county of Logan—W. V. Perry.
From the counties of Lyon and Marshall—John H. McWaters.
From the county of Madison—L. B. Herrington.
From the county of Marion—H. T. Gartin.
From the county of Mason—S. A. Shanklin.
From the county of McCracken—F. Eugene Graves.
From the county of McLean—G. G. Frazier.
From the county of Meade—L. F. Withers.
From the county of Mercer—J. P. Chinn.
From the counties of Metcalf and Monroe—W. D. Allbright.
From the counties of Montgomery and Menefee—W. L. Craig.
From the counties of Morgan and Wolfe—J. W. Perry.
From the county of Muhlenburg—J. F. Richardson.
From the county of Nelson—Frank J. Brown.
From the counties of Nicholas and Robertson—W. T. Kenton.
From the county of Ohio—Wm. S. Dean.
From the counties of Oldham and Trimble—Z. A. Clore.
From the county of Owen—L. C. Littrell.
From the county of Pendleton—Dr. C. F. Crecelius.
From the county of Pike—E. E. Trivette.
From the county of Pulaski—M. G. Colson.
From the county of Scott—V. A. Bradley.
From the county of Shelby—John W. Holland.
From the county of Simpson—J. R. Claypool.
From the county of Todd—S. M. Russell.
From the county of Trigg—Dr. J. H. Lackey.
From the county of Union—George S. Wilson.
From the county of Warren—W. R. Whitlow.
From the city of Bowling Green—Samuel D. Hines.

From the county of Washington—T. D. Graham.
From the county of Webster—J. F. Porter.
From the county of Woodford—H. A. Schoberth.

Witness my hand and official seal this January 3, 1910.

(Seal)

BEN L. BRUNER,
Secretary of State.

The roll of members was called and the following answered to their names, viz:

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
R. C. Hill,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,

S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
H. A. Schoberth,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Webei,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

The oath of office as required by the constitution and laws was administered to said members by the Hon. Warner E. Settle a Justice of the Court of Appeals.

The said Chief Clerk then announced that the election of a Speaker of the House of Representatives was in order.

Mr. Schoberth named Hon. George S. Wilson of the county of Union as a suitable person to fill said office.

Mr. Harris named Hon. J. W. Turner of the county of Johnson as a suitable person to fill said office.

The vote being taken between those named resulted as follows, viz:

Those who voted for Mr. Wilson were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,

H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
Herman Southall,
John S. Steers,
J. W. Turner,
Geo. C. Waggoner,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
—73

Those who voted for Mr. Turner were—

W. D. Allbright,
T. M. Bertram,
S. M. Carson,
M. G. Colson,
Albert J. Counts,
W. B. Creekmore,
Wm. S. Dean,
J. H. Evans,
L. W. Francis,
Robt. L. Harris,
S. B. Johnson,
W. G. Keen,
H. L. Lewis,
S. P. Parks,
C. C. Patrick,
G. H. Plitt,
R. A. Read,
H. T. Rich,
Farris Roberts, Jr.,
W. L. Shearer,
J. J. Taylor,
E. E. Trivette,
Edward A. Weber,
W. F. Welch, —74

Mr. Wilson having received a majority of the votes cast, a majority of the members elected being present and voting, was declared to be duly elected Speaker of the House of Representatives.

The Chief Clerk aforesaid appointed Messrs. Schoberth, Shanks and Turner a committee to inform the Speaker-elect of his election and to escort him to the chair.

After taking the oath of office as required by the constitution and laws the Speaker returned his thanks to the House for the honor conferred, recommended and urged the proper observance of order and decorum and announced that the next business in order was the election of a Chief Clerk of the House.

Mr. Schoberth named James E. Stone of Breckenridge county as a suitable person to fill said position.

Mr. Turner named Prof. L. C. Carpenter of Estill county as a suitable person to fill said position.

Pending a call of the roll on a vote as between those named Mr. Turner by consent of the House withdrew the name of Prof. L. C. Carpenter.

Mr. Turner moved that the Assistant Clerk be directed to cast the unanimous vote of the members present for Mr. Stone.

Said motion was agreed to and the vote was cast as follows, viz:

Those who voted for Mr. Stone were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,

W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

Mr. James E. Stone was declared duly elected Chief Clerk of the House of Representatives and thereupon took the oath of office as required by law.

The Speaker announced that the election of an Assistant Clerk was in order.

Mr. Schoberth named Mr. Wm. Oscar Wicker of Crittenden county as a suitable person to fill said position.

Mr. Turner moved that the Clerk be directed to cast the unanimous vote of the members present for Mr. Wicker.

Said motion was agreed to and the vote was cast as follows, viz:

Those who voted for Mr. Wicker were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,

Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

Mr. Wm. Oscar Wicker was declared duly elected Assistant Clerk of the House of Representatives and thereupon took the oath of office as required by law.

The Speaker announced that the election of an Enrolling Clerk was in order.

Mr. Schoberth named Miss Amy V. Lyons of Jassemine county as a suitable person to fill said position.

Mr. Turner moved that the Clerk be directed to cast the unanimous vote of the members present for Miss Lyons.

Said motion was agreed to and the vote was cast as follows, viz:

Those who voted for Miss Lyons were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

Miss Amy V. Lyons was declared duly elected Enrolling Clerk of the House of Representatives and thereupon took the oath as required by law.

The Speaker announced that the election of a Sergeant-at-Arms was in order.

Mr. Schoberth named Mr. C. W. Longmire of Fayette county as a suitable person to fill said position.

Mr. Turner moved that the Clerk be directed to cast the unanimous vote of the members present for Mr. Longmire.

Said motion was agreed to and the vote was cast as follows, viz:

Those who voted for Mr. Longmire were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean.
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,

W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

Mr. C. W. Longmire was declared duly elected Sergeant-at-Arms of the House of Representatives and thereupon took the oath as required by law.

The Speaker announced that the election of Door-keeper was in order.

Mr. Schoberth named Mr. Joe Embry of Lincoln county as a suitable person to fill said position.

Mr. Turner moved that the Clerk be directed to cast the unanimous vote of the members present for Mr. Embry.

Said motion was agreed to and the vote was cast as follows, viz:

Those who voted for Mr. Embry were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,

Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

Mr. Joe Embry was declared duly elected Door-keeper of the House of Representatives and thereupon took the oath as required by law.

The Speaker announced that the election of Janitor was in order.

Mr. Schoberth named Mr. Warren R. Shacklett of Meade county as a suitable person to fill said position.

Mr. Turner moved that the Clerk be directed to cast the unanimous vote of the members present for Mr. Shacklett.

Said motion was agreed to and the vote was cast as follows viz:

Those who voted for Mr. Shacklett were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier.
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Harris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

Mr. Warren R. Shacklett was declared duly elected Janitor of the House of Representatives and thereupon took the oath as required by law.

The Speaker announced that the election of two Cloakroom Keepers was in order.

Mr. Schoberth named Street Russell of Todd county and A. E. Kenton of Robertson county as suitable persons to fill said positions.

Mr. Turner moved that the Clerk be directed to cast the unanimous vote of the members present for Messrs. Russell and Kenton.

Said motion was agreed to and the vote was cast as follows, viz:

Those who voted for Messrs. Russell and Kenton were as follows:

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,

W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

Messrs. Street Russell and A. E. Kenton were declared duly elected Cloakroom Keepers of the House of Representatives and thereupon took the oath as required by law.

The Speaker announced that the election of four Pages was in order.

Mr. Schoberth named Bart Peak of Trimble county, Peter Best, Jr., of the city of Owensboro, Laidly Douthitt of Henry county and Shipman Wasson of Franklin county as suitable persons to fill said positions.

Mr. Turner moved that the Clerk be directed to cast the unanimous vote of the members present for the persons above named for Pages.

Said motion was agreed to and the vote was cast as follows, viz:

Those who voted for the above named as Pages were:

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,

L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—99

Bart Peak, Peter Best, Jr., Laidly Douthitt and Shipman Wasson were declared duly elected Pages of the House of Representatives and thereupon took the oath as required by law.

A message was received from the Senate announcing that the Senate was fully organized and ready to proceed to the transaction of business.

Mr. Klair moved that the Speaker appoint a committee of three members to notify the Senate that the House of Representatives was now fully organized and ready to proceed to the transaction of business, and to ask that the Senate appoint a similar committee to act in conjunction with the said committee of the House, to notify the Governor that the two Houses of the General Assembly were fully organized and were ready to receive any communication that he may desire to send to them.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Klair, W. V. Perry and Turner as said committee who retired and after a time Mr. Klair of said committee reported that he had discharged said duty and the Governor had requested them to report that he would shortly transmit a communication in writing.

Mr. Shanks offered the following resolution, viz:

Resolved, That the rules which controlled and governed the House of Representatives during the sessions of the General Assembly last past shall be and they are hereby declared to be the rules governing this House until the adoption of the report of the Committee on Rules.

Said resolution was adopted.

Mr. Klair offered the following resolution, viz:

Resolved, That the Speaker be authorized and directed to appoint a committee to be composed of nine members to be known as the Committee on Rules, of which the Speaker shall be Ex-Officio member and Chairman, and further that the Speaker be and he is hereby authorized to appoint the other standing committees of this House.

Said resolution was adopted.

A message was received from the Governor in writing as follows viz:

TO ALL OF THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES:

Gentlemen:—I greet with friendly welcome and cordial good-will the first sitting of the members of the General Assembly in the beautiful new Capitol. It is a State-house most worthy of Kentucky and our people and our times. This meeting, established by law, brings together at the Capitol once in two years the three branches of the Government, the Legislative, the Judicial, and the Executive, and gives a chance, which should not be neglected, for the three branches not only to follow out their usual work, but to counsel together unofficially as well as officially, as chosen representatives of all the people, for the general welfare of our State and our country.

The members of the General Assembly can well afford to take counsel of the learned Justices of the Court of Appeals, and the Executive Department will be glad to have the counsel, the help and the good will of the Judges and the members. At this session, no election of Senator, nor as far as I know, any other question of partisan politics hangs over us to cloud the counsel or the judgment of the three branches of the government, each regularly elected by the people for its own term, and it seems to me that we are freer than ever before to consider everything which shall come before your session with an eye single to its usefulness and the honor and the welfare of all of our people regardless of party and sections. Let us all join cordially and without antagonism in asking the blessing of God upon our work and our counsels to the end that whatever we may do shall be good, honest, unselfish and faithful to duty.

We are all living and working together, under our covenant with each other written in the Constitution of the people, and in the spirit of the Bill of Rights, carefully guarding the liberty of each soul under our law, protecting even one alone against all the millions and bound in honor and good faith and by common interest to defend and guard that liberty as our greatest blessing and to be just and righteous towards each other both as individuals and as groups, parties and sects. While our government shapes its policies through party organization, all of us know that party government, in order to gain

or hold power, must always realize the strength and the truth of the time honored rule that he serves his party best who serves his whole State best.

If, forgetting this rule, I sought only party success, I might do most to that end by simply recording and even tempting by my course, unfair, partisan and prejudiced action on the part of the overwhelming opposition majority in the General Assembly; but the high duties of the office of Governor do not permit me, for one moment, to follow such a course. I am the servant of all of the people and owe to all and every one, without distinction of party, more, it seems to me, than any Governor of Kentucky ever owed before, and I humbly pray that I may be guided in the path of usefulness, honor and unselfishness, to help right, justice and wisdom to prevail and to gain for all our people the best fruits of the best endeavor and thought of all three of the branches of the government of the State here met together, for perfect justice and fairness to all our people and for the liberty, the prosperity and the honor of all, not only as citizens of one great Commonwealth, but as individuals.

Partisan strife and personal ambitions too often blind one or another or all of the departments of our government to the general good, and have caused plans for temporary unfair advantage of individuals, or parties, to be adopted by the majority of the party in power, and it is the history of our State, as of all States, that every unfair act has hurt and will forever hurt the party, whose majority has made it responsible for such act, and has left and will leave a stain upon the record of that party.

THE EXECUTIVE DEPARTMENT.

Our Constitution, like that of the United States and all the States, commands that the power of the Government shall be divided into three distinct departments, and each of them confined to a separate body of magistracy, and "no person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others." Each is supreme in its own field and guarded from encroachment or opposition by the other. The Courts may decide whether an act of the Legislature is constitutional or void, and may settle the meaning of any act for the Executive Department. The Legislature can pass laws which the Executive

Department is required by the Constitution to obey, and may declare what money shall be collected and what it may be used for, but the Governor has no right to act as judge nor demand that any Court shall follow his opinion of the law. Neither the Governor nor the Courts have any right to demand that the General Assembly shall enact any law which they may think necessary, or in any way regulate the public policy which it is the function of the General Assembly to fix. The General Assembly has no right to act judicially except in the case expressly declared in the Constitution. It has no more right to perform any duty of the Governor or the Auditor or Treasurer, and it has at least no moral right to take from the Executive Branch the appointment, removal, supervision or control of the work of persons chosen to do the ministerial or administrative work in executing the laws. The Constitution and honor and duty alike press each branch to respect the other and its functions, and every departure from this rule of action mars our plan of government and hinders the achievement of the best results in its operation.

I wish to lay especial stress, as Governor of this Commonwealth, on the fact that in session after session, the Legislative Branch has made laws taking away from the Executive Department appointments and powers always in every State and always before in this State, vested in the Chief Executive. Sometimes it was done by a Democratic Legislature to take appointments and control from a Republican Governor; sometimes, I believe, from a Governor of their own party, either from factional opposition or from pure legislative aggression; but whatever the cause, the result is that the Legislative Department has not only chosen its own organization and attendants as expressly authorized by the Constitution, but it has taken from the Governor nearly all of the Executive powers and duties of appointment, control, supervision and removal of officers and employes, whose functions are purely executive and in no sense judicial or legislative, although this power has been held by every Governor of all the other States, and of Kentucky until within the last few years. This has been accomplished partly by providing for elections of many officers that should be appointed and be subject to control and removal, as men holding like positions are in other important systems; partly by delegating their appointment to other executive officers, sometimes to the judges, and partly by creating offices for executive business to be filled by men elected by the Legislative Branch, as notably in the case of the Prison Commissioners.

In short, it has come to pass that the Governor of Kentucky, whether Democrat or Republican, is shorn of the usual and proper power of the Executive Department, and has practically almost no part in the appointments, no power of correction or removal to enforce by the power of removal for neglect, inefficiency or dishonesty the responsibility of minor officers and employes, as it is enforced in other lines of business.

Not long ago, the Governor of Missouri told me that he had the appointment or control of between six and seven thousand officers and employes of the State government. In Kentucky, the only appointments left to the present Governor, or any successor, of any party, are, speaking from memory, but substantially correctly, a Private Secretary, a Stenographer, a Messenger and Capitol Watchman, a State Inspector and Examiner, Adjutant-General, Assistant Adjutant-General, four members of the Board of Control, seven members of the Board of Equalization and a few other appointments partly paid by fees as in the case of the three Barber Examiners, less than twenty in all (with measures now demanded to take from him who hath nothing even that which he hath), and members of Boards not paid as in the case of the members of the Board of Health, his choice in which is restricted to names suggested by it, the appointment of special judges and the exercise of the Constitutional power to fill vacancies in certain offices.

The result is that the Governor has been deposed, by partisan and factional legislation, from almost all of the supervision and care of the work of the State, in which it was intended that he should have great power and be useful to all of the people, and to-day the power of the Governor is but a shadow of what the power was formerly and was meant to be, or what it is in other States and in the Nation, and this remarkable departure from our plan of government has not worked well for the people or their business. Hundreds of purely ministerial officers now perform their duties at their own will, without any control, supervision or power of correction; neglect, extravagance and sometimes dishonesty go unrebuked at least to the end of the term, and add wasteful and needless expense to the cost of the government.

The Legislative and Judicial Branches are overwhelmingly Democratic. The Republican Executive Department cannot and does not look for, much less ask, favor for any partisan Republican measure; but as there is very little, if any, work now before either of these

branches which can have any partisan bearing, excepting that good work will honor and strengthen the party whose chosen men shall do it, and bad or careless or unfair work or wasted time and money will hurt the party responsible for them, I fulfil my duty under the Constitution in asking that the chief object of legislation shall be the general good and shall not be directed merely to selfish, personal or party advantage.

We have all sought office declaring honorable motives. Every one of us has every possible chance to fulfil his promises. Every one of us can help or hurt his own party and his own standing according as his thought and work are useful, honest, unselfish and faithful, or not. Useful, sensible and honorable work will make good, and the Governor wishes, earnestly, and for no personal benefit, but for the good of all that both parties and all three branches of the government and every member, judge and officer, will be in the highest and best sense useful and will deserve and win good will and praise for himself and his party from all of the people regardless of party lines.

I have not spoken of the cutting down the power and efficiency of the Executive Branch of the government by the changes in the laws which have taken from it the powers and control meant to be vested in the Governor and in fact so vested in other States, because of any personal wish to have the power of appointment. My nomination and election came to me in such a way that it left my obligations and gratitude due to the whole people, and to my party at large, and not to individuals, with no organization of personal helpers for me to be anxious to reward. I am grateful to the great party which furnished the main army which nominated me and brought about my election. I am grateful to those not usually part of it, who helped make the change in the Executive Department. I respect my party and these elements and hold to the faith that their influence is for the best interest of the State; but my obligations, second only to my duty to the whole people, are to elements rather than to individuals. What I have had to say on this subject is less important to me, with less than two years of my term remaining, than it will be to those of any party who shall come after me. The actual and only reason for referring to it is that the present laws not only encroach upon the Executive Branch, but make the conduct of the public business less useful, more costly and less creditable to the people than it would be if any man holding the office of Governor had the appointment and removal of all State employes who ought to be appointed by him,

and he were thus held responsible for the honest, faithful and wise administration of that power. Such officers elected by the people hold their offices for the full term and can only be removed by prosecution or impeachment. Those elected by the General Assembly are similarly free from control or responsibility, except during the sixty days session once in two years, and in the interval of twenty-two months, the grossest corruption, greatest neglect, worst management, the most reckless and prodigal expense, all would be free from supervision or correction, except when the acts might become criminal. No great railroad, factory, mercantile or other important business can be successfully managed under any such conditions. In every other business, the General Executive or the Board of Directors can instantly remove those whose services are not most profitable and useful. In the people's business, the efficiency and responsibility are left almost wholly to the whim and will of the holders of offices. It is an honor to our people that so bad a system has brought to light so few abuses of office as in Kentucky. I have submitted these views with no thought of personal benefit, but because the Constitution makes it the duty of the Governor to lay before the General Assembly from time to time such information, and invite their consideration to such measures as he deems it his duty to recommend.

THE FINANCIAL CONDITION OF THE STATE.

The accounts of the General Expenditure Fund for the five fiscal years ending June 30, 1909, omitting cents, were as follows:

1904-5,

Expenses (ordinary)	$2,966,740
Receipts	2,934,127
Deficiency of Receipts	$ 32,613

1905-6,

Receipts	$3,050,046
Expenses (ordinary)	3,024,092
Surplus of Receipts	$ 25,954

1906-7,		
Receipts		$3,465,965
Expenses (ordinary)		3,102,457
Surplus of Receipts		$ 363,508
1907-8,		
Receipts		$3,606,362
Expenses (ordinary)		3,407,923
Surplus of Receipts		$ 198,439
1908-9,		
Receipts		$3,678,568
Expenses (ordinary)		3,558,023
Surplus of Receipts		$ 120,545

These figures are mentioned in order that we may compare the usual ordinary expenses of carrying on the State government, under the laws established and in force throughout the whole period of five years, with the revenues received during those years. They show that under the laws in force during the whole five years, the total receipts were $16,735,068

The ordinary expenses were 16,059,235

And the net surplus of receipts above the expenses for this time was $ 675,833

In addition to these ordinary expenses there were special appropriations voted by the General Assembly without making any provision to raise money to pay for them.

The expenditures under the new appropriations for the five years were as follows:

For the new Capitol	1904-5	$ 34,885
" " " "	1905-6	130,116
" " " "	1906-7	573,551
" " " "	1907-8	451,107
" " " "	1908-9	260,986
Total expenditures for the new Capitol in the five years		$1,450,645

For the Normal Schools and State University in 1908-9 ---------- $267,448

The last item is taken from the Auditor's report for 1908-9, which lumps together the ordinary appropriation and the special appropriation. The ordinary appropriations were about $60,000 leaving the payment under the special appropriation about $207,000.

For militia on active service 1908-9, $151,400 was paid, making the total of expenses for new appropriations, and militia $1,869,493, but this should be reduced by the regular appropriation which the Auditor's report has included with the new appropriations, about $60,000, leaving the new appropriations, and militia expenditure about $1,809,493, for which no taxes were levied.

We have, then, new appropriations for which no revenue was provided, and militia the sum of ---------- $1,809,493

Deducting the surplus of receipts of the general expense fund above the usual expenses under the existing law ---------- 675,833

And it leaves a net deficiency caused by the new appropriations, of ---------- $1,133,660

In order to pay all of the obligations that could be paid out of the money in control of the Executive Department, it has been the custom during the whole five years, and, as I am advised, for many years previous, to use whatever surplus cash there might be in the School Fund, the Sinking Fund and the University Fund. The funds available for such uses amounted on June 30, 1909, to $547,899.97. In addition to this, there have been issued partly under judgment of the Court of Appeals, warrants not yet paid, which if paid, would have used up all of the cash balance and have caused an overdraft of $194,806 on June 30, 1909.

On August 31, 1907, the last administration borrowed and transferred from the Sinking Fund to the General Expense Fund the sum of $500,000. This transfer reduces the deficiency in the latter fund for the five years, from $1,133,660 to $633,660.

The unexpended balance of new appropriations of the last General Assembly, for which Auditor's warrants had not been issued on November 30, 1909, are as follows:

State University, due July 1, 1910	$ 66,666.67
Eastern Normal School, due July 1, 1910	50,000.00
Western Normal School, due July 1, 1910	50,000.00
State University, Annual expense	20,000.00
Eastern Normal School, Annual expense	20,000.00
Western Normal School, Annual expense	30,000.00
Children's Home, Annual expense	15,000.00
Association Sanatoria, Annual expense	10,000.00
New State Capitol, Annual expense	97,000.00
Henry Clay Monument, Annual expense	10,000.00
State Geological, Annual expense	13,000.00
Total	$381,666.67

The Auditor's report shows that at the beginning of the five years above summarized, there was a deficit in the General Expenditure Fund of $98,103.97 to which we must add $1,115.58 to the University Fund, which is separately stated in the Auditor's report, making the deficit carried over at the beginning of the five year period, the sum of $99,219.55, so that the total excess of expenditures and obligations over the total receipts of the General Expenditure Fund beginning with the deficit carried over in 1904-5, is as follows:

Deficit carried over, 1904-5	$ 99,219.00
Excess of general fund expenditures over receipts during the five years	1,133,660.00
Other transfers and corrections	9,827.00
Total deficit, or excess of expenditures to June 30, 1909	$1,242,706.00

Viz.:

Auditor's statement of deficiency in the General Expenditure Fund, p. 252	$ 739,726.03
Add: Balance due University Fund	2,980.15
Add: Transfer from Sinking Fund 1907	500,000.00
Total as above	$1,242,706.18

When the $500,000.00 taken by the former administration from

the Sinking Fund and put into the General Fund in August, 1907, is deducted from the above total deficit, the deficit stands at $742,706.18. That transfer should be approved by the Legislature as there was no debt to require accumulations in the Sinking Fund, but until approved and charged off, the book deficit is $1,242,706.18, the cash deficit $742,706.18.

The receipts of the General Expenditure Fund for the year 1908-9 were $3,754,076. The receipts of the present year will exceed that sum by a small amount, probably not more than $100,000. (Increased last year $72,000.00).

The ordinary expenses of the present year, estimated on the basis of last year, would be about $3,700,000.00. (Increased last year $150,000.00).

To this we must add the amount which should be paid the present year under the new appropriations, $381,000.00.

Making a total of general expenditures of $4,081,000.00.

Summing up the whole financial situation, this General Assembly starts with the total deficit above mentioned of $742,706.18

To which we must add the unpaid obligations of the State under the new appropriations ---------- 381,000.00

A total deficit of ---------- $1,123,706.18

Whatever the present General Assembly makes additional appropriations for will have to be added to this total, which good faith and honorable management of the public business will require the State to pay during the next year, and which the above statement of receipts and expenditures shows that it will have no money to pay. To this we must add, first, new appropriations which good business management and humanity require, as follows:

For the Charitable Institutions ----------	$205,000.00
" " House of Reform ----------	30,231.00
" " New Capitol, so much as shall be necessary, not exceeding ----------	300,000.00
" " Ky. Institution for the Blind ----------	40,000.00
" " Home Society for Colored Children ----	5,000.00
" " Ky. School for the Deaf, more land ---	11,000.00

For the Ky. School for the Deaf, additional equipment	$14,050.00
" " Extensions of Capitol grounds, or so much as may be necessary	100,000.00
Total	$705,281.00
Add deficit above	742,706.18
And unpaid appropriations of 1908	381,000.00
And we have total to be provided for by new revenue or by loans	$1,828,987.18

To this must be added any new appropriations which, in the judgment of the General Assembly should be made, which I cannot now estimate, but which should be kept track of as the bills are considered, and added after they are adopted.

This statement of the budget of the Commonwealth is taken from the Auditor's accounts and the Treasurer's books, all of which are open to the members of the General Assembly, whose most searching and thorough inspection of all the payments made and the vouchers therefor, is earnestly requested. During the past year there has been painstaking and severe scrutiny of all bills rendered and the most rigid economy has been practiced. The Treasurer can pay out only what the laws provide. He has no other means of paying the obligations and new appropriations. We are thus compelled now to face the question, "How are we to pay the just debts and new appropriations"? We have not been able for some time to pay promptly the amounts required by law, because the laws now in force promise to pay more than the revenues can provide. This administration has paid as far as the money could be collected, saving only a sufficient balance against absolutely necessary current expenses. The warrants and obligations, for which we have had no revenues, have had to wait until the money should come in, and this has resulted in serious embarrassment of the State University and Normal Schools and in the unfortunate delays in payment of teachers' salaries and other expenses of the common schools. We have paid during December Auditor's warrants which were issued nearly eleven months ago. In other words, the Commonwealth has become "slow pay" and its credit has been impaired. Its charitable institutions have had to pledge more than $200,000.00 of State warrants to banks to

borrow money for necessary expenses and to pay over $5000.00 interest on it. People who do business with the Commonwealth, contractors and others, have had to estimate their probable losses through the time which they would have to wait, when making their bids for work, etc., for the Commonwealth, and bidders, in providing for such losses, always include more than the interest would amount to, so that voting more appropriations than the revenue can pay has not only hurt the credit of the Commonwealth, but has actually added to its expenses many thousands of dollars which were not necessary. If no provision for further revenue is made, and nothing done to raise money to pay the debts and keep the credit of the Commonwealth good, the administration must go on paying only what comes in and carrying the deficit. Until the revenues exceed the expenses, we must go on piling up the deficits and increasing the delays in payments and the waste of expenses which result therefrom. It follows then that we must increase the revenue by raising the present taxes or by levying new taxes or requiring new licenses or by some other means of raising new revenues, or else we must issue bonds or in some way borrow money to pay off the deficit, provide for the new appropriations and establish a Sinking Fund to provide for any loans and interest, and provide by taxation the revenue to meet the principal and interest of any loans. The situation impresses upon us the necessity for rigid economy in appropriations and of repealing the laws authorizing any unnecessary expenses. I do not urge the issue of bonds. Our State taxes are low. Borrowing money involves the payment of interest, which should be avoided if possible. I have no doubt, however, that the interest so paid would be less than the extra expense brought upon the Commonwealth by appropriating more than there is money to pay and falling behind and having warrants and obligations stand over unpaid for months.

Under the present conditions established by previous General Assemblies, the State of Kentucky is now making people to whom it owes money, carry a large part of the extraordinary expenses of the new Capitol and the new appropriations of the last General Assembly. Our creditors are being forced to wait on their just debts in order that we may have money enough to finish the new Capitol and pay the new appropriations which were enacted without provision for payment.

It is idle to argue, as I regret to learn, was argued by some members of the last General Assembly, that there was no need to

bother about where the money was to come from to pay the new appropriations, that they got the credit of generosity and that the Republic administration got the discredit for the failure to pay such appropriations. Such an argument presumes gross ignorance in an intelligent people, and the people of Kentucky thoroughly understand the present situation. Every man of ordinary sense knows that the State, no matter under what administration, can pay no more than it takes in; that it has no rainbow gold, bequests nor inheritances from rich relatives; that it is the General Assembly which makes appropriations, and that it has always had a Democratic majority. No one need to delude himself with the idea that the Republican administration will be hurt or distressed by a Democratic General Assembly appropriating more than it provides the money to pay for. Such bad business management will be at last laid at the door of the branch of the government which was or may be to blame for it. It cannot be charged to the Executive Branch, which has no control of it except in so far as the Governor has felt obliged to approve some of the appropriations, although no money was provided for them, which were necessary as a matter of humanity for the helpless inmates confined in State institutions, either penal or charitable. These were approved with some other appropriations, and it was foreseen and indicated in the Governor's last message that the result would be that the State would fall behind in its payments and become "slow pay" and the credit of the Commonwealth would be hurt by delays in payment. The argument that the new appropriations put the Executive "in a hole" is very much like the continued statements published in many party papers as to the balance of about $1,400,000.00 claimed to have been turned over by the last administration. The campaign book had stated several months before that $1,400,000.00 would be turned over, and after the Governor took his seat, the State Inspector and Examiner, who had published that campaign book, presented his report of the monthly examination, showing about $1,400,000.00 turned over just as he had prophesied. The Governor was struck with the fact that the sum turned over came so near to the figures promised in the campaign book, and at once asked the Inspector and Examiner whether he had furnished a statement of the Auditor's warrants then outstanding and unpaid and he answered he had not, and was directed to present a report on those at once, and did promptly report that there were then issued, outstanding and unpaid, Auditor's warrants and just debts then established amounting

to $527,597.50. Of course if the campaign promiser desired to turn over a certain sum it was easy to do it by stopping payment when the amount in the treasury had got down to that sum, and this was the course pursued. The fact was there was not only this sum of Auditor's warrants issued and unpaid and school claims, etc., $1,524,597.50, but also just claims incurred under the previous administration for which Auditor's warrants were issued after January, 1908, amounting to $16,373.41. On the first day of January, 1908, just after this administration took charge, payments to the School Fund were due amounting to $1,007,295.78 and $19,614.54 was due the State University. The Auditor's public statement, January 8, 1909, set out the following items:

School claims paid January 7, 1908	$587,299.25
Asylums	56,660.82
Penitentiaries	28,232.28
Idiot Claims	15,879.97
Trustees Jury Fund	11,564.05
Criminal Prosecutions	18,966.73
Eastern Kentucky Normal School	7,500.00
Attorneys fees	2,550.00
Feeble-minded Institute	3,410.81
Jefferson County fees	8,352.19
Balance due A. & M. College Dec. 1, 1907	19,614.54
Balance due Schools	83,766.88
On January 31, 1908, he drew warrants to pay school claims amounting to	347,570.33
On January 2, 1908, his predecessor paid school claims amounting to	336,229.65
Which should have been paid during the previous year. So that the cash balance on hand January 31, 1908, 24 days after this administration assumed office, was only	177,431.32

These added up by me amount to $1,524,597.50, so that instead of turning over a large cash balance of $1,100,000.00 to be used for expenses under this administration, payment of the expenses audited in 1907 left only an actual cash balance of $177,431.32 instead of $1,400,000.00, though that amount was kept in bank to make a showing instead of being checked out to pay past due debts, and the January

expenses which were just and enforcible debts known to those who turned over the cash in bank, with the previous debts, amounting to the sum of $1,524,597.50, or over $124,597.50 more than the cash turned over.

The present Auditor in fact, drew warrants in January, 1908, for $1,230,000.00, which, with the December payments amounted to $1,524,597.50, $124,597.50 more than the so often mentioned cash turned over, and all of which was for unpaid bills allowed and audited by the former administration, and bills falling due that month of January, mostly for the schools, and this is the true answer from the record and should be, I submit, a full, true and conclusive answer to the constantly published charge that this administration has "squandered" the large sum of $1,400,000.00 generally referred to as the $1,400,000.00 turned over by the last administration. The sum of $1,400,000.00 is but little more than one-sixth of the yearly expenses of the State as established by laws, which we did not make and had no power to change.

What is fully accounted for needs no further explanation, but it adds to its conclusiveness to say that as shown by the same statement of the Auditor, we have had to carry $1,366.000.00 of the new appropriations of the last General Assembly which were approved by the Governor and became laws governing this administration, for all of which the judgment of the Court of Appeals, in certain instances, showed that warrants must be issued as they have been. The condition would have been worse yet if I had not felt constrained, by the deficit or other reasons, to veto about one million dollars of additional appropriations made in 1908, so that the expenses to be met out of the $1,400,000.00 turned over by the previous administration, amounted to $1,524,597.50, and debts unpaid $16,373.41, in all $1,540,970.91, or $140,970.91 more than the balance turned over, and the last administration in fact left the treasury without any money to pay the future school warrants and other lawful expenses, except the moneys from taxes and licenses and other sources of revenue to come in after the new administration took charge, and with more than a million dollars less money on hand and to come in that was necessary to pay the established obligations turned over to us.

But, as Governor of the Commonwealth, I do not wish to reproach the last administration or General Assembly nor to make this message in any form or sense a political or partisan argument nor even to present all of the defenses to unfair partisan claims and charges.

I wish to hold this message to an accurate statement of the financial condition of the Commonwealth. The deficit, has not, in so far as I know or have yet learned, been caused by any extravagance or improper management of the Executive Department in the past, and the public accounts show that it has not been caused by this administration, but is wholly due to successive General Assemblies making appropriations in excess of the amounts provided for paying them. I fully understand the difficulties under which the General Assemblies have labored in making appropriations. We have never in the history of the Commonwealth, had a complete budget embracing assets, liabilities, receipts, expenditures and estimates of future appropriations. We have never had in the office of the Auditor of Public Accounts a general ledger showing completely the actual condition of the business or financial condition of the State at any time. We have kept only cash accounts of the total amounts received and the total amounts expended, and I have no chance to properly investigate these accounts under previous administrations to see whether they have been kept correctly; but we have had nothing corresponding to the "balance sheet" which is kept in every important business except the State's business.

I recommend an appropriation to pay for an investigation of all vouchers and accounts for ten years. We should have on the first of every month a true revenue balance sheet showing the actual condition of the public business so that the General Assembly can know at every session, and the officers every month, the actual condition and the course of the State's business, whether it is tending to a surplus or a deficit and what can be afforded in each month out of the revenues then on hand or to be collected during the month. There should be a general ledger containing a full statement of all the assets and liabilities of the State, a cash account showing the receipts and expenses, a general account in which will be entered as obligations each appropriation as it is made and approved, so that it will show the total amount of all appropriations in force at any given time, and from this book there can be drawn off on the first of each month a balance sheet, just like that in a railroad office or large factory or any other business which will show the actual business condition of the State on that day, and from these accounts there can be had at any time, or any day when needed, a balance sheet showing the condition of the public business.

Heretofore, there has been no general account of the State's

business and only what was practically a cash account of receipts and disbursements, and a separate account with each appropriation; but this is not enough to advise each succeeding General Assembly or the administration of the condition of the public business, nor is it enough for practical, sensible business management of the State's affairs from month to month. The accounts, as now kept, only present one element of this information, viz: The amount of cash actually received and paid out or on hand, not enough to guide the General Assembly or the State officers. It states what has been done, but affords no guide for what is to be done. Many States have the same trouble and need the same change, and there is no reason why we should not at once adopt a Statute requiring such accounts to be kept. Because of the way in which we keep the accounts now, the apparent cash deficit in December, just after the main body of the State taxes comes in, is much less than it is soon after when they are paid out, and necessarily tends to mislead the General Assembly and the State officers.

When the Governor sends his message to the General Assembly, shortly after the State taxes for the year have come in, a very large part of the deficit is apparently nearly extinguished, but that does not change at all the actual deficit for the year, that is the amount of the excess of what we pay out over what we take in. Therefore whenever any one attempts to state the deficit, on the basis of the account we now keep, of cash received and cash paid out, the deficit will appear to be very large in November just before the State taxes are paid in, and several hundred thousand dollars smaller in December just after they are paid in, though the real deficit, the difference between the revenues and the expenses and obligations, will be really substantially the same in December as in November. Some critics take the December cash account condition, apparently the most favorable time, as a basis for their comments, instead of the actual condition of assets and liabilities. This explains in part the difference between many statements as to the condition of the public accounts and as to the deficit. Any one can truthfully say that in the cash account alone, not considering liabilities, the deficit in December is very much smaller than the deficit in November, but that is not in fact the actual condition of the public business, because that account does not take in nor consider the unpaid liabilities at all, but is simply a cash account. The amount of unpaid warrants changes from month to month according to the cash receipts, but the final

balance sheet and result of the public business obviously does not depend on the changes in the amount of the receipts from month to month, but on the general account, for the whole year, of all the receipts and sources of revenue on the one hand, and all of the expenditures and liabilities on the other. Such an account will show the actual business condition, while the mere cash account does not and cannot show it.

I shall hereafter request the State Inspector and Examiner to extend the existing blank form of his report of the monthly examination of the Auditor's and Treasurer's offices, which has been in use for many years, in so far as he can do so, by an additional form, showing the assets and liabilities in addition to the receipts and expenditures, but I am not sure that it will be possible for him, with his many other duties, to accomplish this. It will be easy if we provide by law for keeping such a general ledger in the Auditor's office as I have indicated, for the State Inspector and Examiner can then make a balance sheet from such a ledger, but there is at present no book kept from which he could make up such a report, and the law does not require him to keep such a book. He has already a very great amount of work and duty for one man to perform, and has done the best work ever done in that office; but the mere supervision of the examination of all of the accounts of all the officers of the State institutions and counties, even if he employed an assistant for every place, would involve the hardest kind of work for any man, and I am therefore very sure that the Inspector would not have time to keep such a general ledger, even if it were within the scope of that office. The only proper place to keep such a general ledger is in the office of the Auditor of Public Accounts.

It has been my wish ever since I became Governor to have such a balance sheet, to use as other business men use such statements, but I have never been able to get it under our method of keeping accounts. It seemed absolutely necessary to have our method changed and provide for a statement of the true financial condition, and in order to learn how budgets were made in other States and in all important business enterprises, I employed a firm of certified public accountants from another State, so that the examination would not be biased nor hampered by local influence or the custom and method which have been pursued, and to get the experience and knowledge of a disinterested public accountant familiar with State, County and Municipal bookkeeping and operations of this magnitude. I present

with this message printed copies of the report of Harvey S. Chase & Company, of Boston.

The financial condition of our State is in no way startling and does not show any dangerous tendency. The State is amply solvent and will pay all of its creditors, but it is my duty to show the condition that exists. There need be no material trouble, however. The General Assembly has the power and the knowledge to supply all that is lacking, and the problem simply requires good business sense and ordinary business honesty to provide for the money which has not been provided heretofore for debts, expenses and future appropriations.

It is proper to state here that the sum of $1,300,000.00 collected from the United States was not used to build the new capitol, but was all paid out before payments on the new Capitol began, and all of the expenses of the new Capitol paid and to be paid, over $1,700,000.00 in the last administration and in this administration, had to be paid out of the current revenues, which were estimated for the ordinary expenses only, the surplus of which fell short of the cost by the amount of the deficit shown in the first part of this statement, so that while the Government did pay the State $1,300,000.00 and it was nearly as much as the amount of $1,750,000.00 paid and to be paid on the new Capitol, the sum of $1,300,000.00 was in fact used for the ordinary expenses of the previous administration and the expenses of the new Capitol have fallen wholly on the current revenues of the last administration and of this and have helped lead up to the deficit. Nor is this administration responsible for any of it, but every dollar paid out has been required by laws enacted by the General Assemblies, and those were controlled by the Democrats.

It is persistently charged that the large deficit or debt was created during the last two years, of this administration, to make people believe that Republican mismanagement made the big debt. I have given the figures instead of bald assertions and they show that every dollar of it is due to the last Legislature making the new appropriations without providing the money to pay them. The public accounts are open to all, showing every item paid in the two years. Nothing has been or can be paid except as ordered by the Constitution or laws enacted by the Legislature.

I ask that those who blame our administration for the debt, go over every item and point out any and every item which any one

claims was not paid out in obedience to the express orders of the Legislature or the Constitution. And lastly, I ask and challenge any one who can, to point out any one of those laws or Constitutional provisions, which was not enacted under absolute control of the Democrats. I state from the books that every dollar paid out by this administration has been paid under orders of the Constitution and General Assemblies, all absolutely framed under Democratic control.

What honest excuse can be given for blaming the Republican administration for obeying laws enacted and approved under Democratic control?

The Republican administration has brought to book and forced payment of large sums of money from officers and others who were not compelled to pay by the Democratic administration. It has been a more earnest and successful collector, and these moneys, with the aid of rigid economy and the increase of income under the revenue laws, has paid the money paid in the last two years on the new Capitol and part of the $1,809,493.00 appropriated in 1908 without providing money to pay down to the present deficit of $1,133,660.00, so that it is clear that the Democratic appropriations and not Republican mismanagement created this great deficit, for which it is the duty of Your Honorable bodies to provide money in such way as you deem best.

You are not and will never be asked to provide money to pay any expense or debt created by this administration. You are only asked to raise the money to pay appropriations made by the Democratic Legislature of 1908. Without those appropriations, this administration could have paid all provided by your laws. With those appropriations, as the books show, a Democratic administration could not have helped facing the same present deficit which confronts us, and judging from our collecting up more earnestly and closely than our predecessors, a Democratic administration in our place could not have avoided putting before you a deficit very much greater than we have. All there is of it is that the State has promised to pay, and given to the University, Normal Schools and others, more than it provided the money for and now is called upon to "make good" its debts, duties and gifts and to do now what my message in 1908 warned them would have to be done.

We have a right to ask of the strongest opposition fair play and all ought to meet squarely and honestly the truth that we have been obedient to the laws and rigidly economical reducing every class of

expenses, and that we have never had any control of appropriations, except to pay as far as the money would go what the appropriations ordered paid, and that when, in a test case, we objected to paying because no money was provided, the Court of Appeals ordered warrants issued anyhow. This administration, in so far as the Governor approved those appropriations, only yielded to the will of the 1908 General Assembly; laws enacted after plain warning that there was, as shown by Auditor' Hager's report, on July 1, 1907, a deficit of over $556,000.00 (since paid off), and the only deficit now is the unpaid part of the appropriations of 1908, which we did not make but advised against. If the University and Normal Schools appropriations and those for the State institutions and State Fair, are now blamed on the Governor, after being made over his warning, let those who find fault say they were wrong and blame their Legislature first and me for approving them. If they were right, they made the deficit and let the blame fall on those who asked and got them, the Democratic State officers, Board of Control, Prison Commissioners and Trustees of the University and Normal Schools. I thought they were right and necessary and for that reason approved them, but if they were wrong, put the blame where it belongs on those who asked and got them and on the Legislature which gave them. This administration neither asked for nor got them, but only consented by my approval, to what the opposition asked and got the opposition Legislature to give.

This administration can well afford to bear any blame for any appropriation for education, and State institutions which it approved. It need not take any blame for any expenses paid under Republican or any but Democratic control and appropriations, for no expense created by them or under Republican laws has been paid. There are no Republican laws or appropriations or expenses. They are all Democratic, without any exception. Even the repairs of the mansion were made under the old law and with the full approval of the Democratic Custodian, Capt. Lyons, and his daughter, who was appointed by me, although a Democrat, in her father's place.

The expense of the militia on active duty, though not under any appropriation of 1908, was in obedience to laws long in force and enacted by Democrats. Every dollar of it was necessary and an unavoidable expense and it restored peace, ended terrorism, violence and wrong and made free from fear and danger multitudes of homes which had been afraid for many months.

From time to time I hope to submit to the General Assembly further messages upon important subjects, among others, on the schools, report of the Tax Commission, Charitable and Financial Institutions, Good Roads, Conservation of Natural Resources and rights of State in Water Powers, Militia, Penitentiaries and Indeterminate Sentences, Pollution of Streams, and such other matters as shall seem to be useful.

UNIFORM SYSTEM OF ACCOUNTING.

After improved methods of keeping accounts shall have been established in the office of the Auditor of Public Accounts, they ought to be extended to all other offices of the State, and this brings up the subject of a "uniform" system of accounting, which has been earnestly urged for some time by some of the best minds of the State.

I recommend to the General Assembly careful consideration of the laws of other States provided for such uniform system, the latest and best of which I am informed by experienced public accountants, is that of Indiana, as the Indiana Legislature, in drafting its Statute, had the benefit of all of the previous experience of other States, and all things considered, is probably the best law enacted on the subject.

REDISTRICTING THE STATE.

The Constitution commands the General Assembly to divide the State into 38 Senatorial and 100 Representative Districts, as nearly equal in population as may be without dividing any county, except where it includes more than one district, and that the districts should constitute the Senatorial and Representative Districts for ten years. That not more than two counties should be joined to form a representative district, provided in doing so the principle requiring every district to be as nearly equal in population as may be, shall not be violated; that the General Assembly should redistrict the State every ten years thereafter according to this rule, and that if in making the districts inequality of population should be unavoidable, any advantage resulting therefrom should be given to districts having the largest territory; that no part of a county shall be added to another

county to make a district, and the counties forming a district shall be contiguous.

The first General Assembly after the adoption of the Constitution, redistricted the State in 1893, three years after the census of 1890. There was nothing done towards a reapportionment in 1903 or 1904, at the end of the ten years, three years after the census of 1900, nor until 1906, when the next redistricting Statute was enacted and approved, but the Court of Appeals held this unconstitutional and void, and up to the present, 1910, the Constitution has been persistently trampled under foot and the people of Kentucky forced to abide by the grossly partisan gerrymander of 1893 also denounced by the Court of Appeals, and the State has not been redistricted for seventeen years. If not done now, it cannot be done until the next session, 1912, nineteen years, nearly two whole constitutional redistricting periods, and the census report may not be ready even then.

In my message of 1908, I cited the opinion of the Court of Appeals, six Democrats to one Republican, declaring the act of 1906 unconstitutional and "so grossly violative of Section 33 as precludes the possibility of any attempt to apportion the State into representative districts as nearly equal in population as might be," and that the opinion by Judge Barker, declared that equality is the keystone of the Constitution; that our fathers emigrated from their European homes and threw off the government of the mother country because they were denied equality of representation; that it is a vital principle of democracy; that without equality Republican institutions are impossible; that inequality of representation is a tyranny to which no people worthy of freedom will tamely submit; that equality is the basis of patriotism; that no citizen will or ought to love the State which oppresses him and that citizen is arbitrarily oppressed who is denied equality of representation with every other citizen of the Commonwealth.

Of the Act of 1893, the Court said:

"The Act of 1893 has gone into effect and the government has been organized under it. To hold it void would be to throw the government into chaos and this no court is required to do. It is now too late to question its validity; the next Legislature must be elected under it, and then, we have no doubt, the members impelled by their sense of duty, the obligations of their oath of office, together

with that spirit of justice which is the heritage of their race, will redistrict the State as the Constitution requires."

In 1908, the General Assembly ignored the question. It is my official duty to bring it up again, and as Governor of this Commonwealth, under the mandate and rule of the Constitution, which is the covenant of all citizens with each other, I call upon this General Assembly to do its duty and adopt an act which shall reapportion the legislative districts of this Commonwealth according to the rule of the Constitution. Every one of us has taken the oath to uphold the Constitution which commanded the redistricting in 1903 or 1904, and our covenant, through that great instrument, has been broken for these seven years. Nothing was done in 1904. In 1906 the gross gerrymander was adopted afterwards and held void. In 1908, the Constitution was ignored and the question is whether the General Assembly of 1910 will continue to disregard the Constitution and our covenant with each other, or will keep the faith.

Several excuses have been suggested for delaying two years more or four years more what it was a duty to do seven years ago, if the census of 1900 was ready then, but none of these reasons can be sustained in fair argument. The first reason is that a census is being taken this year, and that it will be necessary to redistrict the State again after it is taken. There are several reasons why this is not sound, although honestly maintained, and one is that when a debt has been owed for eight years and its payment wrongfully delayed, it is no excuse for delaying it that the debtor will be able to pay it more conveniently two years later. Every session of delay in obeying the Constitution is a wrong and a breach of our covenant and our duty to each other. If this General Assembly does not redistrict the State, it cannot be done until the next in 1912, nine years delay beyond the time commanded by our law, and nearly two redistricting periods under the Constitution.

There has been some increase of population in the State, but there is no claim that except in perhaps two or three mining counties, any one county has increased proportionately more than any others. In other words, there is no probability that redistricting on the census of 1910 would result in any material difference from redistricting on the census of 1900. Certainly it could not make any change in more than two or three legislative districts. I have never figured even the quotients of population for districts nor made any list of the unfair districts, but it is absolutely sure that redistricting now on the basis

of 1900 would be infinitely fairer than letting it stand on the gerrymander of 1893, and the plea of delay urges us to continue a great error and injustice for fear of making a trivial one. The only districts which could gain by waiting for the census of 1910 as a basis, instead of proceeding under the census of 1900, would be two or three republican districts, and surely the majority cannot earnestly wish a delay continuing the great wrong in order to avoid a chance of slight injustice to those districts, and those districts would not wish to bear their present wrongs two years or four years longer for the chance of just a little better division then. It is by no means clear that a second redistricting will be required after the census of 1910 before the expiration of ten years from this session, and if it should be required by the Constitution, it is not certain that the General Assembly, in the face of waiting seventeen years until now, or nineteen years to 1912, would take it up promptly after the census of 1910. On the contrary the probabilities are that it would not.

The redistricting which was due in 1902 or 1904 has been due ever since and ought to be made even if another should come in 1912 or 1914, and if it should be made now and made over again in 1912, it will be very easy as there will be no material change two years or four years from now if the work is done honestly and squarely now according to the Constitution.

We all know that if the redistricting were very unfair to the Democrats and there was a Democratic Governor and a Republican Legislature, the Democratic Governor would present the facts and the law to the Republican General Assembly, prompted to do it, as I am now prompted, and that he would do it as an honest man and conscientiously and that his request would be just because that is what the law and his oath of office pledges every Governor and every member of the General Assembly to do, and that is what both parties, professing to uphold the Constitution and the law, pledge to all of the people. It is the rule of elections which we have covenanted and agreed upon with each other in the Constitution. It is what every man in the State knows is simply right and what he ought in honor to wish and to do.

When it is right and it is asked, the excuse given by many that the other side would not do it if they were in power, is not the excuse of a good man or a true man. This, like the plea of waiting until after the next census is simply an excuse for not doing our duty, what

the law and our oaths pledge us to do, nor do I believe that the other side would not do it if conditions were reversed.

It is true that the other side has refused in some States, but it is also true that both sides have decided on fair districting in a greater number of States than those in which they have clung to injustice and unfairness. In other words, more people are honest in both parties than dishonest and both parties are honest and square in more States than they are dishonest or unfair in, and further than this, I have grown up in the faith that the path of honor is the path of the only true success, and there is no better proof of it than the history of our State and the result of the gerrymanders here.

The General Assembly, with a two-thirds Democratic majority, is strong enough to be able to afford to do right. Can it be that a redistricting according to the Constitution, the geography and the census could endanger a party with that majority? If you cannot afford to do it with two-thirds majority, how much must you have before you can? If you wont do it now when it is perfectly safe, will you ever do it? The obligation is just as binding when the parties are so close that a fair division might change control, but not even the poor excuse of danger of such change is left to a member of the majority now, for refusing to do what the law makes a duty. But no majority can be so great, no faction so overwhelming that a course which offends the conscience and judgment of the best men in the party cannot make its future doubtful. Pennsylvania elected Governor Patterson when it had a Republican majority of 500,000. Ohio has elected Governor Hanmon. We have had some striking changes in Kentucky, and in every case, it was because party control grew so self centered that it ignored the conscience and honor of good people.

After discussing this matter with a great many good men of both parties, I felt it my duty to find out what was just and right under the Constitution and then to present that to the General Assembly as part of my message, and I invited ten gentlemen of those most widely and favorably known in the State, a bi-partisan body, five Democrats and five Republicans, two of the Republicans having been formerly Democrats and being generally Democratic in their sympathies, and I asked them to take the Constitution, the geography and the census and prepare and submit to me a plan to redistrict the State honestly and fairly under the rule of the Constitution. Of those gentlemen, the Democrats were Judge Alex P. Humphrey, of Louis-

ville, Hon. John K. Hendrick, of Paducah, Hon. John F. Hager, of Ashland, Hon. C. U. McElroy, of Bowling Green and Mr. James D. Black, of Barbourville, all well known and life long, staunch Democrats, and Col. Andrew Cowan, of Louisville, Mr. O. H. Waddle, of Somerset, Mr. T. L. Edelen, of Frankfort, Mr. L. J. Crawford, of Newport, and Mr. John T. Shelby, of Lexington, were the Republicans. All accepted the invitation and have submitted their report to me showing what they have found by careful consideration of the facts to be as fair a re-districting as possible. They wisely agreed, from the first, to make no changes except when required by the law of equal representation. I have not yet made the calculation, but I know that such men, acting in the spirit in which these men have acted, can be trusted and I trust them and transmit their report and ask the General Assembly to examine it carefully and to redistrict the State in accordance with that report. I am sure they will be glad, and I will be glad, if there be found any error in it, to have that error corrected. They claim no consideration for this report except upon the merits. The Governor disclaimed any authority to appoint a Commission having any legal power in the matter, but if he had not invited these gentlemen to act, any citizen of the State had a right to make the calculation, and if he believed it right, to ask the Governor to recommend it and the General Assembly to adopt it. The Governor had a right to submit any plan which he believed just. It was his duty to do it and he had a right to try to get a perfectly fair, non-partisan calculation made by men competent to do it and to submit that on its merits. There is no reason for the talk about the Governor trying to "govern by commission". These ten men are not in that sense a commission. They are ten citizens entitled to respect for their ability and their character, who have made the calculations and all say that this report is a fair redistricting measure, and the Governor believes it and approves it and passes it to the General Assembly. One of the ten gentlemen, Mr. Hager, favors waiting for the census of 1910 before redistricting, but all agree that this measure is right under the census of 1900, and when ten such men, equally divided and earnestly opposed in politics, unanimously agree that this calculation is correct, all men can trust it. I hope it will be approved by your session.

It would be the duty of the Governor, of whatever party, and it is my duty, to call the attention of the General Assembly to the fact that the solemn mandate of the Constitution to district the State as

equally as practicable, was disobeyed in the gerrymander of 1893 and has been disobeyed and violated ever since, with Democratic majorities in both Houses, in every General Assembly but one since 1893, now nearly seventeen years, and in 1906 was so violated that the Court of Appeals declared the act void and "so glaring that it precludes the possibility that there was any attempt to equally apportion the representative districts." I pointed this out to the General Assembly of 1908, and now, once more, I call this General Assembly's attention to this violation of the Constitution ever since the census of 1890, and to the hope and belief of the Court of Appeals which had no doubt that the members of the next Legislature "impelled by their sense of duty, the obligations of their oath of office, together with that spirit of justice which is the heritage of their race, will redistrict the State as the Constitution requires."

Once more I lay the facts and the law before the General Assembly and express the Governor's earnest hope and faith that you, and each of you, impelled by your sense of duty and the obligations of your oath of office and that spirit of justice which is the heritage of your race, will do justice, obey the Constitution of Kentucky and redistrict the State as the Constitution, which you have sworn to uphold, commands, and will not add two or four years more to the violation of duty for any unfair partisan advantage nor add one whole Constitutional period of ten years in this violation of the Constitution, to the history of Democratic General Assemblies, and will keep the faith and give a square deal.

If you fail to obey the law now, when you have more than two-thirds of each House, will it not be taken as plain notice to the people of Kentucky that the only way to get justice and secure their Constitutional right to equality, is to change the control of the Legislature?

Every member and every citizen knows what the duty is. It is clear and plain. No one has any doubt or uncertainty about it. It is just as plain now as it will be after the census of 1910. Five of the best known Democrats of Kentucky, of State-wide fame and prominence, respected by all who know them, and five Republicans of the same standing, agree that the report which I transmit with this message is in accordance with the rule of the Constitution, but one of the Democrats, Mr. Hager, and Mr. Shelby, favor delay until after the census of 1910. I transmit with this message the report of these ten representative Kentuckians and the letter of Hon. John F. Hager, and

leave the question, where the law leaves it, with the General Assembly, hoping earnestly that the Kentucky spirit of justice and fair play will rule your deliberation and decision on this most important of all subjects before you and that your decision will be worthy of your race and its best traditions and end this cause of just reproach. The wrong committed by a combination of men of a great party in depriving thousands of citizens of their honest right to equal representation is far greater and more dangerous than a wrong done by an individual, and the obligation of a great party declaring honorable motives and purposes, to do what is honorable between gentlemen, or man and man, is surely far greater than that of any one man alone. No just man will believe that the majority of the Democratic Party of Kentucky, which you here represent, wishes to continue the seventeen years of injustice and unfairness indefinitely and at least two years longer. I trust in Kentucky courage, honor and fair play.

THE COUNTY UNIT BILL.

I pledged my support in 1907 to the enactment and enforcement of a uniform local option law with the county as its governing unit, because I believed in it. In my first and in a later message, I believed then and believe now that it was then and is now the serious wish of a great majority of the people of Kentucky, and notwithstanding the refusal of the last General Assembly to enact it, I present it again, and again earnestly commend this measure to your consideration and ask that it be adopted, and I shall keep the faith and sign it if it be enacted.

It is a subject properly considered at most regular sessions, presents no extraordinary emergency to justify a special session, but is one of the best subjects ever known to man for arguing and voting a man's real sentiments, and I hope that it will be promptly brought to a square vote on the merits and not killed by parliamentary tactics.

THE NEW CAPITOL.

The new Capitol is a State-house worthy of Kentucky, our people, and our times, one of the most interesting and impressive of all the structures of its type in our country. The very best art, design,

materials, constructions, machinery, apparatus, fixtures and furniture known, have been employed and used. The view from the outside, while having many general features of other Capitols, is of unusual beauty and impressiveness. The great hall within, around which the Legislative chambers, the Court room and Executive offices are clustered, is the noblest and most beautiful that I have ever seen or seen pictured. The great arches, the massive columns, the marble staircases and balustrades, the great dome and rotunda, make a picture which is a noble memorial to the art, the knowledge and the skill of the architect.

The greatest credit is due to the preceding administration for the choice of the architect, the good judgment, ability and the wise care and management in planning, making the contracts and watching over their execution until they turned the building over to their successors.

Our Commission has kept the same architect and superintendent, and has had the help of their ability and familiarity with the building from the foundation up, and they have been faithful to duty. We have continued the work of finishing the capitol building, constructing and equipping the power house and tunnel, completing the terrace and approaches, the equipment and furnishing and finishing the building, with earnest, watchful care and economy. The State-house has all of the latest improvements for ventilation, heating, lighting and vacuum cleaning. It houses comfortably all of the departments of the government. No doubt in time more room will be needed, but the architect has provided for that, and so planned it that a wing can be built out from the South in architectural harmony with it as it now stands.

The appropriation of 1908 was divided into different sections, some of which provided more money than that part of the work needed, and some too little. I hope that any appropriation made by this General Assembly for this work will be in a lump sum indicating the purposes for which the whole amount is to be spent, and leaving it to the discretion of the Commission as to how much shall be set apart for each branch of the work.

The Act of 1908 appropriated $75,000.00 for filing cases, almost twice as much as could be wisely used. Some departments have now more filing cases than they can use in twenty years. The amounts were fixed by the appropriation bill and the General Assembly thought each would be necessary, and it is only since they were put in that it has been found we have far more than we need, but after all had been

put in, there was still a large sum of money in the filing case appropriation. The Commission, after counseling with those who seemed best fitted to advise, decided that the purpose of the Act of 1908 was to finish the Capitol, and have therefore used some of the excess of the appropriation for filing cases and for furnishings in other parts of the work when necessary to do so. For instance, the architect urged, and it seemed to us he was clearly right, that the cement floors, specified in the original contract for the corridors about the central hall, were not in keeping with marble and polished granite, and advised that they be paved with marble and verde antique borders. There was not money enough in the original oppropriation for construction to do this, and it was necessary to put in the cheap and common looking cement floors or to use part of some other appropriation for this purpose, and finally it was decided to use part of the appropriation for furnishing and *floor coverings,* and this has been done at a cost of about $22,000.00. If it had not been done, it would have been necessary later on to take up the cement floors and put in those which we have put in. Looking back after they have been put in, it seems to me that no one can doubt that the architect was right, and that it was our duty to the people and to the work of finishing the State-house, to have this done. I report it to the General Assembly and ask that the action of the Commission in this respect be ratified and approved by a clause in the new appropriation act.

The appropriation for the improvement of the grounds was wholly insufficient for the work that had to be done, and for this reason, part of the appropriation for file cases has been used in that work, under the advice of the architect and under the evidence of our own eyes that it was necessary. I ask that the new appropriation bill ratify this use of the appropriation of 1908.

It is a just cause of satisfaction to know that the whole cost up to date of grounds, approaches, building, power house and its extensive machinery and equipment and the equipment and furnishing of this splendid building, with its most improved apparatus for heating, ventilation, electric light. vacuum cleaning and the best furniture and fixtures that money could buy, is not over $1,750,000.00 and that we can hope that the total cost, when finished, including interior decorations, the Northern and Western approaches to the building, the grading, sodding, planting, roadways and paths, complete, will not exceed $2,000,000.00. This, however, does not include the cost of any extensions of the grounds.

I am very glad to put on record here in this public way and in this message, as part of the history of Kentucky, that the people have a right to be proud of their Capitol and of the work done on it by all who have had a part in voting for and building it, and that the whole history of its building and furnishing is clean and free from reproach. The statement sometimes published that the present Governor in his campaign charged graft in the new Capitol, is, I am glad to say, without any truth. I had no proof that there was graft and I did not charge it. I have paid this tribute to my predecessors and those of the opposite party who have deserved well of the State for their work on the new Capitol, because it is part of the nature of a true man worthy of Kentucky, which is shown even in the sports of our youth, to heartily cheer our rivals when they deserve it, and I claim no credit, but simply do what I feel like, in giving this cheer for my predecessor and his associates for what they have done for this Capitol, and it is with real pride and pleasure that I cast this bouquet "over the garden wall of party politics."

I have done my part in studying, showing and preaching to the people the faults and mistakes, as I saw them, of the Democratic Party, but none the less, it has always been to me "The Delightful and Interesting Party of Kentucky," and while I hope to be spared to dwell upon this theme to ripe old age, this Capitol never has been and never will be held up by me to the people as anything but an honor and a credit to that party, from the time it was begun, up to the time when it was turned over to the present Commissioner.

We have built and finished the splendid and impressive terrace work, power house, machinery and tunnel, substituting marble for cement floors in the halls, covered the walls with hangings, canvas and velvet, put in the furniture, lighting fixtures, file cases, safes and vaults, done a very large part of the work on the grounds, and started the use of the building.

In selecting the furniture, it was our judgment that the very best is in the long run the cheapest, and while we have shunned elaborate carving and ornamentation, we have paid what was necessary to get the very best electric light and heating plant, machinery, apparatus, fixtures and furniture that money could buy, and we have the best that we have seen in this country. While the Capitol Commission had the discretion as to what furniture and fixtures to select for all three departments, we submit to you that we have furnished for our associate departments the very best that we could get, in no way

favoring the Executive Branch or the members of the Commission. The court room and the accommodation for the Judges are surpassed by none that we know of. The desks, chairs and other furniture of the Senate and House are the best ever furnished to any Legislative body, better than those used in Congress, the best work of the highest grade of furniture making, and we hope that they will be of the greatest comfort and convenience to the members.

The decoration of the Senate and House is not finished because the cost for the Court and Executive offices, which had to be ready first, exhausted the appropriation, and also because the architect and Commission had not reached a conclusion as to mural and interior decoration of the halls and these chambers, and it was necessary to consult with the General Assembly and have it make the appropriations, before making plans for these matters.

I have not yet such knowledge and information that I feel qualified to advise the General Assembly, usefully, as to the amount which should be appropriated or the character of the decorations. Out of other appropriations we have paid $7000.00 to a new artist, on the earnest advice of the architect, for the lunettes over the entrances to the Senate and House. They seem to be very beautiful and appropriate and to relieve the surroundings. I ask the members to consider whether they wish mural decorations in the dome and halls and Legislative chambers, or whether they wish the walls and ceilings covered, painted and finished in good but less expensive ways. We could not undertake to make plans for these docorations until the Legislature fixed the amount to be used, but when that is done, we shall seek the best advice and the highest artistic skill of the architect and other competent authorities safely trusted before, as to how to spend the money. Mural decoration, whether good or bad, is very expensive and cannot be done rapidly. It must be planned and carried out carefully and slowly, and it cannot be considered in detail by the Legislature, as it has not the time, and is not in session when the work is being done. In every building, this kind of work has to be trusted largely to the architect and the officers in charge of it.

The building and furnishing of the new Capitol, so far as they have gone, have, under honest and wise management, cost only a small part of the amount which less beautiful and useful State-houses have cost almost every other State. It is an honor to all who have had a part in making the laws under which it has been carried forward towards completion, and to all who have planned and worked for it and

watched over it and there is no State-house in the United States more beautiful or better fitted for its users than ours. Every citizen of the State will be proud of it. Every Executive officer, Judge and member of the General Assembly will find in its impressiveness, beauty and dignity, in its splendid furnishings and equipment and in its site a new impression of the nobility, dignity, honor and power of a great people. It is American, Kentuckian and human. The site is a noble one, on a splendid foot hill above the beautiful Kentucky River, a tract of very great natural advantages and beauty, and a natural amphitheatre, surrounded by beautiful hills as a background to the Capitol and its grounds.

The Capitol Commission chose Mr. Olmsted, the landscape architect of the highest authority in both America and Europe, to superintend the work of completing the grounds. I am very glad to bring as a witness to the foresight and good judgment of those who chose this site, his statement that it is one of the most beautiful locations that he has ever seen, and that when it is completed, no Capitol in this country will have surroundings of greater dignity and beauty than we have in Kentucky.

The grading of the Northwestern part of the grounds, while not sodded nor planted, is nearer done than any other part, and from it we can get some idea of what Mr. Olmsted's plans promise when they shall be complete. It can be seen now that our State will have Capitol grounds of new and interesting outlines, very different from any ever seen before and of striking impressiveness, and at a very reasonable cost.

The architect has been very earnest in his advice that in order to protect the view of the Capitol from unfit and unseemly surroundings and to preserve the beautiful background of the hills behind it, the State should acquire the slope of these hills to the top and thus preserve the picture of a beautiful green-walled amphitheatre, unmarred by gashes cut in the side hills for roads, by cheap tenements, stables, sheds and other disfigurements, and I believe that it is of the greatest importance that this should be done, and that it is not extravagance but wise economy to do it at once, because it can be done now at less cost than ever afterwards.

The architect has also urged upon us the necessity of a broad and commanding approach and of extending the grounds in front of the new Capitol. The land first bought had a much narrower approach than it has now, and the North line was not a straight line, but a zig

zag line. The Commission has gone to the limit of its power under the appropriation in buying land on each side to widen the main approach and to straighten as far as possible the North line as it now exists, and it is straight from Shelby Street to a point not far East from Capitol Avenue and then runs Southeastwardly. Since the approach was marked out and partly filled, it has become plainer every day that the houses, sheds, outbuildings and hollows Northwest and Northeast of the Capitol grounds and between them and Todd Street, take away from the beauty and impressiveness of our State-house, something which we cannot afford to lose, and while there is great need for economy and prudence in the State expenses, it is not economy but short sighted waste to delay longer the purchase of all the land North of the Capitol grounds to Todd Street. I know that this will cost far more than the main grounds have cost, but this Capitol and the investment in it is not for a day nor a year, but for all the ages to come, and if the land to Todd Street and the slopes of the hills are bought now, they will be good and beautiful for all the generations after us. We shall then have a noble building in the center of a splendid tract with the State-house as the central picture and free from everything which could detract from its beauty and impressiveness, and the total cost will not be enough to be a burden upon the whole State. Your own view of the scene now makes the need plain, and it will press itself on all who come after us as more and more necessary, and the longer we put it off, the greater the cost.

I am advised by the Attorney-General that there is no power to condemn land for the new Capitol, so that without a Statute, providing for condemnation, no land can be bought except at owner's price, and this would force the State either to give up the extension of the grounds or leave in the midst of the landscape such tracts as could not be bought without extortion on the treasury, and I therefore ask this General Assembly to enact a law giving the Capitol Commissioners the power to condemn. With such a law, if extortion is attempted, they can proceed in the courts to get the land needed.

It is easy to see that the extensions suggested will make one of the most beautiful Capitol parks in our country and one worthy of the splendid building.

The old Capitol is owned in fee simple by the State. The Attorney-General has examined the title, and reports that the State has the same control over this property as any other real estate owned by it. It was, in its time, well suited to its uses and is rich in noble memories

and traditions of high-minded men and great deeds; but the business of the State outgrew it many years ago, and a larger, better building, with better equipment and surroundings became necessary to properly house our government. The Executive Department moved into the New Capitol late in the summer, the Court of Appeals in September, and now the Legislative Branch has come into its own new Legislative halls.

For the Capitol Commissioners, I beg leave to express their pleasure in having the Legislative Branch take possession of their quarters in the new Capitol, and wish to say that their best care and work have been given to making these quarters, provided in the architect's plans for the Legislative and Judicial Branches, worthy of the associate departments. Our Court of Appeals is one of the best courts in the country and an honor to the traditions of that great tribunal, and we have tried to give them a court room and chambers second to none in the country.

The same care and respect have been given to the Legislative Branch and we trust will receive your approval.

This splendid State-house is not only beautiful in itself, but it is the heir and treasure house of the old Capitol and of all of the wealth of more than a hundred years of Kentucky virtue, honor, wisdom, love of humanity, country and State, of all of the splendid characters, courage, manhood, statesmanship, eloquence, dignity and common sense, which made the time-honored old capitol and its predecessors distinguished in the history of mankind, and added a generous part to the total of human character, knowledge, and progress.

THE GENERAL WELFARE.

The year 1908 was a year of depression, but our business and our banks stood the panic far better than those in almost any other State. The year 1909 has been a year of general renewal of all business activities. Our farmers have sowed and reaped more than they ever did before and have had the greatest reward for it ever known in the history of Kentucky. Exceptionally good conditions of peace and good order have prevailed and our people have followed their daily work, under the protection of our institutions, safely, happily and profitably, and we look forward to a year of continued usefulness,

prosperity and contentment. Only the usual portion of toil and care seems before us. No dangers or disorders cloud the happy prospect. There seem to be no exceptional distresses, wrongs or hardships calling for official relief. No tide of partisan or fractional strife or anger clouds our naturally kindly native Kentucky and American dispositions. There is nothing to hinder our being partners in spirit as well as in law and being friendly, just and kind to each other and to all. There is every inducement to this course and no hindrance. The minority cannot expect political favors. The majority cannot take them without hurting itself, and we have hope and faith, do not wish it. The conditions are unusually fair for the consideration of every measure which comes before you, simply on its merits, and without prejudice, bias or partisanship, looking only to the good of the people and our State.

Our Southern States have their full share, and we hope a little more, of the general prosperity of the country. Property values in the South have increased between 1880 and 1909 from seven and one-half billions of dollars to more than twenty-one billions. Kentucky, from nine hundred millions to seventeen hundred and sixty millions; the assessed valuations from three hundred and seventy millions to about eight hundred millions. This summary is the result of similar gains in farm products, manufactures, metals, bank deposits, etc. The proportionate increase in the South is greater than in the rest of the country. Kentucky is third in population in the fourteen Southern States, and is twelfth in negro population of the fourteen Southern States. In other words, only two Southern States have a smaller proportion of the colored people. Kentucky in 1860 had a little over 1,100,000 people. It has now something over 2,400,000 people. From 1860 to 1909, the negroes in Kentucky only increased from 236,000 to 291,000. The foreign born inhabitants decreased from 60,000 to 50,000. Our general farm crops increased from $66,000,000.00 in 1899 to $93,000,000.00 in 1908. Only West Virginia of all the Southern States produced more coal than we did.

President Finley, of the Southern Railroad, at Salisbury, in November, said very truly:

"Our Southern States, with their wealth of natural resources, their advantage of climate, and their energetic and enterprising people, look forward to a great and prosperous future. We have witnessed wonderful progress in Southern industrial development in recent years. The development will continue, but, in my opinion, it will be

no more important than our agricultural progress. As population increases and as the consumption of farm products expands, our farmers, by the adoption of improved agricultural methods, will be able to keep pace with the increasing demand. * * *.* I believe that, with the increasing profitableness of farming and the increased attractiveness of farm life growing out of improved highways, better country schools, more general attendance on agricultural colleges, more attractive farm residences, telephones, and rural mail delivery, we shall hear less in the future of the young people leaving the farm, etc."

It is now appointed for the Legislative, Judicial and Executive Departments, holding fast to all the treasures of our history, to take our part in these splendid surroundings, in the history of the growth of Kentucky in power, wisdom and honor and to strive to leave here an honorable record of our time and our work. We have all the help and light of all of the history, glory and honor of our fathers who carried on the government in the old State-house. We have a great chance, even a better chance than they had, to do more for the good of the people and for education and progress. We must carve out for ourselves the history which will record whether in these newer, greater and better surroundings and with these so far greater chances to be useful, we shall work as hard, wisely, faithfully, honorably and as well as those who held power and office before us, for newer, greater and better achievements for the welfare of the people, and whether we, in our turn, shall have tried faithfully to leave as good an example for those who are to follow us as those who came before us have left to us.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

Louisville, Ky., December 22, 1909.

HON. A. E. WILLSON,
Governor of Kentucky,
Frankfort, Ky.

Dear Sir:

Some time since you asked us to meet together with a view to preparing a plan of redistricting the State into Legislative and Senatorial districts. You suggested that we might also consider certain

other matters. The time at our disposal has prevented us from doing anything more than attempting to carry out the primary purposes of our appointment.

Section 33 of the Constitution reads as follows:

"The first General Assembly, after the adoption of the Constitution, shall divide the State into thirty-eight Senatorial districts, and one hundred Representative districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative Districts for ten years. Not more than two counties shall be joined together to form a Representative district: Provided, in doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, and advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous."

The first General Assembly divided the State into 38 Senatorial Districts and 100 Representative Districts. In 1906 the Legislature passed another act upon this subject. This act, however, was declared unconstitutional by the Court of Appeals, in the case of Ragland v. Anderson, 114 Ky., 141, because it did not conform to the Constitution. The result is that although some sixteen years have passed since the first districting there has been no valid new districting.

In attempting to divide the State into Senatorial and Representative Districts we have felt assured that there were only three things to be considered: The rules laid down in the Constitution, the Census and the Map of Kentucky.

That the present system does not conform to the Constitution is evident from even a cursory examination of it. In determining this, reference must be made to the last census of the United States; viz., that of the year 1900. This census shows the population of Kentucky to have been 2,147,174. Dividing this by 100 you have 21,471

for each Representative district; and dividing it by 38 you have 56,504 for each Senatorial district.

Of course it is impossible, under the rules laid down in the Constitution, to have an exact equality in the population of either Representative or Senatorial districts.

The Constitution requires that no county shall be divided except where it may include more than one district, and, further, that no part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous. In the present apportionment there are 24 districts, of one county each, and each containing less than 15,000 inhabitants. Of these one contains only 8,914. On the other hand there is one district, composed of four counties, having an aggregate population of 40,568; another, composed of two counties having an aggregate population of 42,387; and a third (one county), having a population of 37,962. In the scheme which we propose we have been compelled to make only four districts with less than 15,000, and our smallest district contains 10,533; while the most populous district in our scheme (Hopkins county) has a population of about 31,000. We have felt constrained to give to Graves County, with a population of 33,204, two representatives instead of one to Christian County, with a population of 37,962, two representatives instead of one; and to Henderson, with a population of 32,907, two representatives instead of one; and to reduce the representation of Warren, with a population of 29,970, from two to one; and to increase the representation of Jefferson County from eight to ten, Jefferson County having a population of 232,549, and the ratio as given above being 21,471.

We believed that we were compelled, by reason of their location, to give to Meade a representative although it has a population of only 10,533; also to McLean, with a population of 12,448; and to Adair, with a population of 14,888, and Washington, with a population of 14,182. Each of these counties, with the exception of Adair, has now a representative.

Where more than one district is embraced in a county we have not attempted to fix the boundaries of those districts, as in that matter the advice of persons having a more special local knowledge of the geography of the country would be desirable.

The following apportionment, we believe, conforms to the rules laid down in the Constitution.

When we come to the re-apportionment of the State for Sena-

torial districts we encounter a difficulty which is not met in the apportionment for Representatives. We have 38 Senators. Their terms are four years. One-half of them go out at the end of each two years. It happens that the senators representing the even numbered districts were elected for a term of four years last November. This brings for the year 1912 (the first date at which a re-apportionment bill could affect an election) a choice of senators in the districts having odd numbers. In making a re-apportionment, therefore, it was necessary to see to it that no county should have a double representation in the Senate; that is, a representation by a hold-over Senator and a representation by a newly elected Senator. This made a most serious complication in the problem of redistricting. The Commission called to its aid Judge Charles B. Seymour of Louisville. It happened that he had already given a great deal of attention to this matter of re-districting the State, and had made most valuable suggestions to the Commission. Judge Seymour proposed a plan for Senatorial re-districting which the Commission adopted without change, diregarding one of their own which had been tentatively adopted but which was found to be not practicable by reason of this factor in the problem.

In the existing apportionment of Senators there are most glaring inequalities. Thus there is one district, containing three counties, with a population of 33,886; three districts of Jefferson County with a population of over 75,000 each; a district composed of ten counties, with an aggregate population of 115,855; and another district, composed of seven counties, with an aggregate population of 129,950. In the plan proposed by Judge Seymour, and which the Commission recommends, the district having the least number of inhabitants is the 10th—three counties, with a population of 39,981; and the district having the largest number of inhabitants, composed of two counties, is the 6th, with a population of 68,957. We therefore recommend the following plan for Senatorial Districts.

SENATORIAL DISTRICTS PROPOSED BY COMMISSION.

1.	Hickman, Fulton, Graves	56,495
2.	McCracken, Marshall, Ballard, Carlisle	63,381
3.	Lyon, Livingston, Calloway, Trigg	52,379
4.	Caldwell, Crittenden, Webster	49,798

5.	Henderson, Union	54,235
6.	Christian, Hopkins	68,957
7.	Ohio, Muhlenberg, Butler	63,924
8.	Daviess, McLean	51,115
9.	Logan, Simpson, Todd	54,989
10.	Breckenridge, Hancock, Meade	39,981
11.	Warren, Allen, Edmonson	54,701
12.	Hardin, Grayson, Bullitt	52,417
13.	Marion, Washington, Taylor, Green	53,802
14.	Nelson, Shelby, Spencer, Larue	53,097
15.	Pulaski, Rockcastle, Whitley	68,724
16.	Clinton, Cumberland, Adair, Russell, Wayne	56,308
17.	Laurel, Knox, Bell, Jackson	61,226
18.	Lincoln, Boyle, Garrard, Casey	58,062
19.	Barren, Metcalfe, Monroe, Hart	64,628
20.	Anderson, Franklin, Mercer	45,329
21.	Owen, Henry, Oldham, Trimble, Carroll	56,348
22.	Woodford, Scott, Jessamine	43,135
23.	Madison, Estill, Powell, Lee, Menefee	58,525
24.	Kenton	63,591
25.	Campbell	54,223
26.	Bracken, Pendleton, Grant, Gallatin, Boone	56,656
27.	Fayette	42.071
28.	Bourbon, Clark, Montgomery, Bath	62,331
29.	Rowan, Lewis, Fleming, Carter	63,434
30.	Nicholas, Harrison, Robertson, Mason	55,876
31.	Floyd, Pike, Martin, Johnson	57,748
32.	Boyd, Greenup, Lawrence, Elliott	64,265
33.	Clay, Leslie, Harlan, Perry, Letcher, Knott	58,107
34.	Magoffin, Breathitt, Morgan, Wolfe, Owsley	54,758
35.	Jefferson	232,549
36.	Jefferson	232,549
37.	Jefferson	232,549
38.	Jefferson	232,549

REPRESENTATIVE DISTRICTS PROPOSED BY COMMISSION.

1	Fulton, Hickman	23,291

2	Ballard, Carlisle	20,956
3	Graves	16,602
4	Graves	16,602
5	McCracken	28,733
6	Calloway	17,633
7	Marshall, Lyon	23,011
8	Livingston, Crittenden	26,545
9	Trigg, Caldwell	28,683
10	Christian	18,981
11	Christian	18,981
12	Hopkins	30,995
13	Webster	20,097
14	Union	21,326
15	Henderson	16,453
16	Henderson	16,453
17	Daviess	19,333
18	Daviess	19,334
19	McLean	12,448
20	Muhlenberg	20,741
21	Todd	17,371
22	Logan	25,994
23	Butler, Edmonson	25,976
24	Ohio	27,287
25	Simpson, Allen	26,281
26	Warren	29,970
27	Grayson	19,878
28	Hancock, Breckenridge	29,448
29	Meade	10,533
30	Hardin	22,937
31	Hart	18,390
32	Barren	23,197
33	Larue, Taylor	21,849
34	Green, Metcalfe	22,242
35	Monroe, Cumberland	22,015
36	Clinton, Wayne	22,763
37	Adair	14,888
38	Casey, Russell	24,834
39	Marion	16,290
40	Nelson	16,587
41	Washington	14,182

42	Anderson, Mercer	24,177
43	Spencer, Bullitt	17,008
44	Jefferson	23,254
45	Jefferson	23,254
46	Jefferson	23,254
47	Jefferson	23,254
48	Jefferson	23,254
49	Jefferson	23,254
50	Jefferson	23,254
51	Jefferson	23,254
52	Jefferson	23,254
53	Jefferson	23,254
54	Oldham, Henry	21,698
55	Trimble, Carroll	17,097
56	Owen, Gallatin	22,716
57	Boone, Grant	24,409
58	Shelby	18,340
59	Franklin	20,852
60	Scott	18,076
61	Fayette	21,036
62	Fayette	21,036
63	Woodford, Jessamine	25,059
64	Boyle, Garrard	25,859
65	Lincoln	17,059
66	Pulaski	31,293
67	Whitley	25,015
68	Knox	17,372
69	Laurel	17,592
70	Rockcastle, Jackson	22,977
71	Clay, Owsley	22,239
72	Madison	25,607
73	Estill, Powell, Lee	26,094
74	Clark	16,694
75	Morgan, Wolfe	21,556
76	Bourbon	18,069
77	Harrison	18,570
78	Pendleton, Bracken	27,085
79	Mason	20,446
80	Robertson, Nicholas	16,852
81	Kenton	21,197

82	Kenton	21,197
83	Kenton	21,197
84	Campbell	27,111
85	Campbell	27,111
86	Lewis	17,863
87	Fleming	17,074
88	Bath, Rowan	23,011
89	Montgomery, Menefee	19,652
90	Breathitt, Magoffin	26,328
91	Bell, Leslie	22,454
92	Harlan, Letcher	19,010
93	Perry, Knott	16,980
94	Pike	22,686
95	Floyd	15,552
96	Johnson, Martin	19,510
97	Lawrence	19,612
98	Boyd	18,834
99	Elliott, Carter	30,615
100	Greenup	15,432

The above recommendations are submitted with the hope that they may at least be useful in the framing of a bill at the coming Legislature which is demanded, it seems to us, in so many words, by the provisions of our Constitution.

Respectfully submitted,

Alex P. Humphrey, Chairman.
James D. Black,
Andrew Cowan,
C. U. McElroy,
John T. Shelby,
O. H. Waddle,
John K. Hendrick,
L. J. Crawford,
T. L. Edelen,
John F. Hager,

(See letter attached.)

Ashland, Ky., December 27, 1909.

HON. ALEX P. HUMPHREY, *Chairman,*
Louisville, Ky.

DEAR SIR: I regard the plans agreed to be reported by you as Chairman of the Commission for redistricting senatorial and legislative districts as the best attainable based upon the Federal census of 1890. As in all like matters, the report does not in all respects represent my own or the individual views of each member. As a whole and as the result of proper deference to the views of each, the report has my approval subject to the following general expression as qualifying such approval:

What counties should be transferred or attached to existing districts to provide for the creation of new ones to afford just representation based upon population disclosed by the pending Federal census, cannot, in complete justice to all districts, be determined in advance thereof. Our report is based on population of 21,471 for each representative district, and 56,504 for each senatorial district. It is a reasonable assumption that the next census will disclose a State population of 2,500,000, or 25,000 for each representative district and near 66,000 for each senatorial district. While, therefore, our plan appears equitable and the best attainable under the conditions named, it is to be tested by conditions appearing nearly ten years ago, and, if adopted by the Legislature, would be subject to change based upon increase of population in the State at large, and the almost certain larger relative increase in some districts than in others.

Subject to these general expressions as qualifying my agreement to the report, you have authority to sign my name thereto.

Very truly yours,

JOHN F. HAGER.

Which was read at length and ordered to be spread on the Journal of this House.

James E. Stone, Chief Clerk of the House of Representatives, announced that there had been received by him and filed notice of contest and papers relative thereto in the following cases, viz:

From the counties of Breathitt, Lee and Magoffin, R. C. Hill Contestant versus J. H. Evans.

From the counties of Morgan and Wolfe, Malone Lykins, Contestant versus J. W. Perry, Contestee.

Mr. Shanks moved that the House do now adjourn until to-morrow at 12 o'clock meridian.

Said motion was agreed to.

WEDNESDAY, JANUARY 5, 1910.

The House was opened with prayer by the Rev. J. R. Zeigler of the Presbyterian Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. J. M. Blair, member from the counties of Casey and Russell appeared at the bar of the House and took the oath as required by law.

The speaker laid before the House the following communication, viz:

COMMONWEALTH OF KENTUCKY,
OFFICE OF SECRETARY OF STATE.

To the General Assembly of the Commonwealth of Kentucky,

GENTLEMEN: I beg to submit herewith the report of the Corporation Department of the Secretary of State's Office under Section 878, Kentucky Statutes, as follows:

From January 6, 1908, to December 31, 1909, this Department has collected from banks, combined banks and trust companies, trust companies, building and loan associations, license, seals and articles of incorporation the sum of $16,784.94, and for the same time has expended for clerk hire the sum of $12,969.54, leaving a net balance of $3,815.40.

In a biennial report which we are having prepared and put in the hands of the printer we will be able in a few days to submit to Your Honorable Body an itemized statement of the condition of

banks, combined banks and trust companies, trust companies, building and loan associations, etc.

I also beg leave to submit the following from the desk of the Assistant Secretary of State:

From January 6, 1908, to December 31, 1909, amount received from Notaries Public $5,178.00; from Requisitions $2,072.00; from remissions and pardons (not felonies) $444.00; from warrants of arrest $348.00; from foreign commissioners of deeds $90.00; from certificates $4.00. Total $8,136.00.

Very respectfully submitted, this January 4, 1910.

BEN L. BRUNER,
Secretary of State.

Which was read and ordered to be filed.

Mr. Carter sent to the Clerk's desk and had read the following, viz:

Frankfort, Ky., Jan. 4, 1910.

To Members of House of Representatives of Kentucky,

GENTLEMEN: The Frankfort Lodge of Elks take this method of extending to you the courtesies of its club rooms in this city during your stay here, and the members of the Lodge hope you will come around and make yourselves at home.

Very truly yours,

J. H. STUART,
Secretary.

G. L. ROBERTS,
Exalted Ruler.

Mr. Klair moved that said invitation be accepted.

Said motion was agreed to.

Mr. Klair offered the following resolution, viz:

H. Res. 1. Resolution providing for joint assembly of the Senate and House of Representatives to elect two Prison Commissioners.

Be it resolved by the House of Representatives, the Senate concurring, that a joint session of the two Houses of this General Assembly be held in the hall of the House of Representatives at 12:15 P. M., Thursday January 6, 1910.

Which was adopted.

Mr. Steers offered the following resolution, viz:

Resolved, That the ministers of the Gospel, pastors of the local churches of Frankfort be and they are hereby invited to open the sessions of this House with prayer.

Which was adopted.

Mr. Moss offered the following resolution, viz:

H. Res. 2. Resolution extending an invitation to Dr. J. N. McCormack to address the members of the Senate and House of Representatives.

Said resolution is as follows, viz:

Whereas, Dr. J. N. McCormack is being invited to speak before the Legislatures of many other States in the Union upon the conservation of public health and similar interests; and,

Whereas, many matters relating to these interests are likely to come before this session, and are of vital concern to us and our constituents; now therefore,

Be it resolved by the House of Representatives, the Senate concurring, that an invitation be extended to Dr. McCormack to address a joint session of this General Assembly upon these subjects at such time as may be arranged between him and the presiding officers of the House and Senate.

Which was adopted.

James E. Stone, Chief Clerk of this House, announced that there had been received by him and filed notice of contest and papers relative thereto in the following case, viz:

From the county of Pike—G. C. Scott, contestant, versus E. E. Trivette, contestee.

Mr. Niles offered the following resolution, viz:

Be it resolved by the House of Representatives that the Clerk be authorized and directed to have the Kentucky State Journal, edited by former Gov. J. C. W. Beckham, placed upon the desks of each member during the present session.

Mr. Klair moved that said resolution be referred to the Committee on Rules.

Said motion was disagreed to.

And said resolution was disagreed to.

The yeas and nays being required thereon by Messrs. Chinn and Niles were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Eli Berry,	Frank J. Brown,
J. W. Berkshire,	T. M. Bertram,	J. T. Buford,
P. W. Berkshire,	O. Houston Brooks,	W. G. Caudill,

J. P. Chinn,
Henry Chunn,
Z. A. Clore,
W. L. Craig,
C. F. Crecelius,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
L. C. Littrell,
J. H. McWaters,
Ben E. Niles,
W. V. Perry,
John C. Pirtle,
Marion F. Pogue,
J. F. Porter,
Geo. W. Reid,
G. T. Reynolds,
John S. Steers,
W. R. Whitlow,
J. R. Zimmerman,
Speaker Wilson—33

Those who voted in the negative were—

W. D. Allbright,
V. A. Bradley,
S. M. Carson,
L. H. Carter,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
H. T. Gartin,
Robt. L. Harris,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
Wm. F. Klair,
H. L. Lewis,
Hugh Mahin,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
G. H. Plitt,
A. H. Points,
W. A. Price,
L. R. Ray,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
J. H. Williams,
L. F. Withers, —56

Mr. Shanks offered the following resolution, viz:

Resolved, That the Frankfort News, a daily Democratic newspaper, having the largest sworn circulation in Franklin County, be adopted as the official publication of this body and that each member and official of House and Senate be daily supplied with a copy, which copy shall be paid for out of the contingent expense fund.

Said resolution was referred to Committee on Rules.

Mr. Schoberth moved that the House proceed to the selection of a contest Board in each of the contested election cases as reported by the Clerk of the House and that each of said Boards shall consist of seven members.

Said motion was agreed to.

The roll of the House was called and the following members responded to their names as being present, viz:

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin.

W. H. Shanks, E. E. Trivette, W. R. Whitlow,
W. L. Shearer, J. W. Turner, J. H. Williams,
Herman Southall, Geo. C. Waggoner, L. F. Withers,
John S. Steers, Edward A. Weber, J. R. Zimmerman,
J. J. Taylor, W. F. Welch, Speaker Wilson—93

The Speaker then announced that the House would proceed according to law and pursuant to the motion above set out to select by lot seven of its members to constitute a Board to determine the contest to the right to a seat in this House as Representatives from the counties of Breathitt, Magoffin and Lee, of R. C. Hill, contestant, versus J. H. Evans.

The names of the members present were written on separate pieces of paper, rolled and placed in a box by the Clerk in the manner provided by law, who, after the same had been well shaken, drew the names of seven members of the House therefrom separately, which were opened and read aloud by the Speaker of the House, viz:

Messrs. Whitlow, Shearer, Ray, Mahin, Newell, Southall and Crabtree.

Whom the Speaker declared selected as members of said Board.

Thereupon the said members of said Board appeared at the bar of the House and the oath of office was administered to them by the Speaker as required by law.

The Speaker then announced that the House would now in like manner proceed to select a Board to determine the contest to the right to a seat in this House as Representatives from the counties of Morgan, and Wolfe of Malone Lykins, contestant, versus J. W. Perry, contestee.

The House then proceeded in manner and form as above named and the following names were drawn, viz:

Messrs. McVean, Dean, Plitt, Williams, Robertson, Pogue and Owings.

Whom the Speaker declared duly selected as members of said Board.

Thereupon the members of said Board appeared at the bar of the House and the oath of office was administered to each by the Speaker as required by law.

The Speaker then announced that the House would now in like manner proceed to select a Board to determine the contest to the right to a seat in this House as Representative from the county of Pike.

The House then proceeded in like manner and form and the following names were drawn, viz:

Messrs. Blair, Buford, Richardson, Rich, Hines, Berry and Zimmerman.

The members of said Board appeared at the bar of the House and the oath of office was administered to each by the Speaker as required by law.

Mr. Harris offered the following resolution, viz:

Resolved, That copies of the Louisville Herald be purchased and paid for out of the contingent fund and placed on the desk of the members each day.

Ordered that said resolution be referred to the Committee on Rules.

Mr. Meyers offered the following resolution, viz:

Be it resolved that the Clerk of the House procure and cause to

be placed on the desk of each member two daily papers to be chosen by each member, the same to be paid for out of the contingent fund.

Ordered that said resolution be referred to the Committee on Rules.

A message received from the Senate announcing that they had concurred in a resolution which originated in the House entitled:

H. Res. 1. Resolution providing for a joint assembly of the Senate and House of Representatives to elect two Prison Commissioners.

And then the House adjourned till to-morrow at 12 o'clock meridian.

THURSDAY JANUARY 6, 1910.

The House was opened with prayer by Rev. J. R. Zeigler, pastor of the First Presbyterian Church at Frankfort, Ky.

The reading of the Journal of yesterday's proceedings was dispensed with.

The Speaker laid before the House the following communication, viz:

Covington, Ky., Jan. 5, 1910.

To the Speaker and Members House of Representatives
of the Commonwealth of Kentucky,
Frankfort, Ky.

GENTLEMEN: Enclosed herewith I hand you annual reports of the Covington and Cincinnati Bridge Company for the years 1908 and 1909, according to law, copies of which have also been sent to the Senate.

Yours very truly,

JOHN A. JOHNSON, Asst. Secy.
Covington and Cincinnati Bridge Company.

The report mentioned therein is as follows, viz:

ANNUAL REPORT COVINGTON AND CINCINNATI BRIDGE CO.
December 31, 1908.

Balance Dec. 31, 1907 ---------- $ 11,016.23

RECEIPTS

Tolls ---------- $131,411.38

Rents	$3,717.31	
Interest	239.95	
		$135,368.64

EXPENSES

Expense	$ 1,330.74	
Collectors and Employees	15,483.15	
Fuel and Light	1,806.38	
Repairs	4,506.29	
Taxes	17,716.37	
Legal expenses	3,943.95	
Interest	17,058.30	
Rents	67.50	
		$ 61,912.68
47 Bridge Bonds paid		1,000.00
Dividends paid		59,886.00
Balance Dec. 31, 1908		23,586.19
		$146,384.87 $146,384.87

E.O.E.

JOHN A. JOHNSON,
Asst. Secy.

ANNUAL REPORT COVINGTON AND CINCINNATI BRIDGE CO.

December 31, 1909.

Balance Dec. 31, 1908 $ 23,586.19

RECEIPTS

Tolls	$136,262.01	
Rents	5,843.78	
Interest	495.13	
		142,600.92

EXPENSE

Expense	$ 1,667.75	
Collectors and Employees	15,280.23	
Fuel and Lights	1,831.24	
Repairs	6,753.98	
Taxes	19,273.22	
Legal expenses	2,397.66	
Interest	16,860.28	
		$ 64,066.36
47 Bridges Bonds paid	$ 11,000.00	
Dividends paid	60,274.00	
Balance Dec. 31, 1909	30,846.75	
	$166,187.11	$166,187.11

E.O.E.

JOHN A. JOHNSON,
Asst. Secy.

Which was received and ordered to be filed.

The hour of 12:15 P. M. having arrived, the hour for the joint special order of the day, as provided by a joint resolution heretofore adopted by the Senate and House of Representatives.

(For resolution see House Journal, January 5, 1910.)

The Senate of Kentucky, in order entered upon the floor of the hall of the House of Representatives, and the two Houses of the General Assembly were convened in joint assembly.

The Hon. Geo. S. Wilson, Speaker of the House of Representatives, called the joint assembly to order.

Senator Combs offered the following resolution, viz:

Bt it resolved by this joint assembly of the members of the House

of Representatives and the Senate, that the Lieutenant-Governor and President of the Senate preside over this joint assembly of the General Assembly called for the purpose of electing two Penitentiary Commissioners; and that the Chief Clerk of the Senate shall be Chief Clerk of the joint assembly and the Chief Clerk of the House be Assistant Clerk thereof.

Said resolution was agreed to.

The Hon. Wm. H. Cox, Lieut.-Governor and President of the Senate took the chair and presided.

The Hon. Geo. S. Wilson, Speaker of the House of Representatives took a seat on the right of the President of the Senate.

The roll was called and the following members of the Senate and House of Representatives answered to their names, viz:

In the Senate—

B. M. Arnett,	J. A. Donaldson,	H. D. Newcomb,
L. W. Arnett,	W. E. Dowling,	Mark Ryan,
Phil Beard,	W. V. Eaton,	Hilliard Smith,
E. Bertram,	J. C. Graham,	J. P. Smith,
Joe. F. Bosworth,	B. C. Grigsby,	E. M. Taylor,
Gus. Brown,	E. E. Hogg,	G. A. Taylor,
R. B. Brown,	R. L. Hubble,	Claude M. Thomas,
J. R. Catlett,	G. T. Jarvis,	Dr. B. F. Tichiner,
M. B. Chipman,	Conn Linn,	John L. Vice,
Thos. A. Combs,	Dr. C. N. Mathers,	J. J. Watkins,
Nat. C. Cureton,	Chas. W. Nagle,	G. T. Wyatt, —33

In the House of Representatives—

R. H. Akin,	T. M. Bertram,	Frank J. Brown,
W. D. Allbright,	J. M. Blair,	J. T. Buford,
J. W. Berkshire,	J. O. Bogie,	S. M. Carson,
P. W. Berkshire,	V. A. Bradley,	L. H. Carter,
Eli Berry,	O. Houston Brooks,	W. G. Caudill,

J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—92

A majority of all the members elected to each House being present, the President of the Senate announced that nominations for two persons for the office of member of the "Board to govern the Penitentiaries of the State" were in order, two having to be elected.

Senator Combs named Eli H. Brown, Jr., of Franklin County and Harvey S. McCutchen of Logan County as suitable persons to fill said positions.

No other nomination was made.

The joint assembly proceeded to choose by vive voce vote of each member present two persons for the purpose aforesaid and the vote being taken resulted as follows, viz:

In the Senate—

B. M. Arnett,
L. W. Arnett,
Phil Beard,
E. Bertram,
Joe. F. Bosworth,
Gus. Brown,
R. B. Brown,
J. R. Catlett,
M. B. Chipman,
Thos. A. Combs,
Nat. C. Cureton,
J. A. Donaldson,
W. E. Dowling,
W. V. Eaton,
J. C. Graham,
B. C. Grigsby,
E. E. Hogg,
R. L. Hubble,
G. T. Jarvis,
Conn Linn,
Dr. C. N. Mathers,
Chas. W. Nagle,
H. D. Newcomb,
Mark Ryan,
Hilliard Smith,
J. P. Smith,
E. M. Taylor,
G. A. Taylor,
Claude M. Thomas,
Dr. B. F. Tichiner,
J. J. Watkins,
G. T. Wyatt, —32

In the House of Representatives—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,

C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—93

In summing up the vote it was found to stand:

In the Senate—

For Eli H. Brown, Jr. ----------32 votes
For Harvey S. McCutchen ----------32 votes

In House of Representatives—

For Eli H. Brown, Jr. ----------93 votes
For Harvey S. McCutchen ----------93 votes

Total vote—

For Eli H. Brown, Jr. ----------125 votes
For Harvey S. McCutchen ----------125 votes

Necessary to a choice ---------- 63 votes

It appearing that Eli H. Brown, Jr., and Harvey S. McCutchen have received a majority of all the votes cast, a majority of all the members elected to each House of the General Assembly being present and voting, the Hon. Wm. H. Cox, Lieutenant-Governor and President of the Senate, presiding over the joint assembly announced that the said Eli H. Brown Jr. and Harvey S. McCutchen were duly elected

members of the "Board to govern the Penitentiaries of the State" for a term of four years, beginning on the tenth (10th) day of March, One thousand nine hundred and ten.

Senator Cureton moved that the joint assembly do now dissolve. Said motion was agreed to.

The Senate retired and the Speaker resumed the chair and called the House to order.

The Speaker laid before the House a communication as follows, viz:

STATE OF KENTUCKY,
OFFICE OF TREASURER.
Frankfort, Jan. 6, 1910.

To the Honorable Members House of Representatives,

GENTLEMEN: We desire to call attention to the fact that the condition of the Treasury is such, and cash balance on hand so low at this time that we are seriously perplexed as to the proper course to pursue.

The Legislature has convened and the legislators are entitled to, and should be paid. We had a cash balance yesterday of $441,-558.89, but this entire amount belongs to the school fund, and ought not to be used, except for the payment of the school teachers of the State. In order to pay the members of the Legislature, we are now compelled to draw on the school fund. The schools have been paid regularly and in full up to and including Dec. 1909, but the January 1910 pay roll, amounting to $513,000.00 is now due, and the Superintendent of Public Instruction thinks should be paid, or that all money belonging to the school fund should be paid to the schools and used for no other purpose. In order to meet the members demands we have been compelled to use some of the school fund, and therefore will

not be able to pay the school warrants as soon as they should be paid, or until further collection of revenue is made.

We respectfully ask your honorable body to appoint a committee to look into this matter, and we further ask an expression of approval of the course we are pursuing or your disapproval of the same, so we may be able to carry out your wishes, and try in some way to keep the wheels of government running.

Very respectfully,

F. P. JAMES, Auditor.
E. FARLEY, Treasurer.

Mr. Carter moved that said communication be referred to a special committee of three members to be named by the Speaker.

Said motion was agreed to.

The Speaker named as said committee Messrs. Carter, Schoberth and Russell.

Mr. Klair offered the following resolution, viz:

Resolved by the House of Representatives, the Senate concurring, that when the two Houses of the General Assembly adjourn to-day it be to meet January tenth, Nineteen hundred and ten, at 12 o'clock meridian.

Said motion was adopted.

Mr. Owings of the Board selected and sworn to determine the contest to the right to a seat in the House as Representative from the Representative District composed of the counties of Morgan and Wolfe, wherein Malone Lykins is contestant and J. W. Perry is contestee, offered the following report, viz:

HOUSE OF REPRESENTATIVES,

We the committee appointed to hear the contest of Malone Lykins vs. J. W. Perry desire to report that the committee met to hear the evidence in said case and that the contestant, Malone Lykins, appeared before your committee and filed the attached letter of withdrawal which was accepted. We therefore recommend to this House that the contest be dismissed.

L. C. OWINGS, Chairman.
S. L. ROBERTSON, Secretary.

HOUSE OF REPRESENTATIVES,
STATE OF KENTUCKY.

MALONE LYKINS----------*Contestant,*.

Vs. WITHDRAWAL OF CONTEST.

J. W. PERRY----------*Contestee.*

To the Hon. L. C. Owings, Chairman of the Contest Committee, House of Representatives, Malone Lykins vs. J. W. Perry:

After conference with my friends and deliberate consideration of all the surroundings, I have decided it is best that I withdraw the contest pending before the Legislature instituted against J. W. Perry.

In explanation of my reason for withdrawing, I wish to state that the contest was commenced and prosecuted by me in good faith, in the belief that there had been a mistake in the county by which my opponent was awarded the certificate and that I was entitled to the seat. Nothing has occurred to shake my belief in that regard or my expectation that I would win the contest. I have the profoundest confidence in the fairness of your Honorable Committee and am sure you would try the case on its merits and render a just finding. But from the standpoint of party harmony, back at home,

I have reached the conclusion that the friction and strife incident to a contest, no matter how it might terminate, would be permanently injurious to the Democratic Party in Morgan and Wolf counties. We have a two-thirds majority in both branches of the General Assembly, and the party and State do not need my vote either in the House or on joint ballot, and I am willing in this instance, as I have always been, to sacrifice any purely personal benefit I might derive from the office for what I conceive to be the best interest of my party and district.

In addition to the reasons given above, I am actuated by the further fact that I desire, so far as is possible, to remove every conceivable obstacle to prospective legislation that may be desired by the people of my district.

I therefore withdraw this contest and authorize and request you and your honorable committee to take such steps as may be necessary to dismiss the same in the House of Representatives.

MALONE LYKINS, Contestant

Mr. Graves moved that said report be received, and that the recommendation of the Board be adopted.

Said motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution adopted by the House entitled:

H. Res. 3. Resolution providing for the adjournment of the House of Representatives and Senate on to-day till Monday, January 10, 1910, at 12 o'clock meridian.

That they had adopted resolutions of the following titles, viz:

S. Res. 1. Resolution inviting the Senior and Junior Senators from Kentucky to address the General Assembly.

S. Res. 2. Resolution directing the Auditor of Public Accounts to make an itemized statement of the disposition of the Goebel Reward Fund appropriation and furnish same to the General Assembly.

Ordered that said resolutions be placed on the Clerk's desk.

Mr. Klair moved that the House do now adjourn.

Said motion was agreed to.

And so the House adjourned till Monday, January 10, 1910, at 12 o'clock meridian.

MONDAY, JANUARY 10, 1910.

The House was opened with prayer by the Rev. Father T. M. Major of the Roman Catholic Church.

The reading of the Journal of the proceedings on Thursday last was dispensed with.

The Speaker under and by virtue of the resolution adopted on a former day (See House Journal, January 4th) announcing the appointment of the members of the Committee on Rules as follows, viz:

Mr. Speaker Geo. S. Wilson, Ex-officio Chairman, Messrs. W. H. Shanks, H. A. Schoberth, W. F. Klair, J. F. Porter, S. M. Russell, M. F. Pogue, J. T. Buford and C. F. Crecelius.

The Speaker laid before the House the following communication, viz:

COMMONWEALTH OF KENTUCKY,
OFFICE CUSTODIAN PUBLIC BUILDINGS,
FRANKFORT.
GEO. A. LEWIS, *Custodian.*

To the Honorable Members of the General Assembly of Kentucky:

Pursuant to the requirements of Section 3942a of Kentucky Statutes, I have the honor to submit the following report of the amount expended through this department for the two years from January 1, 1908, to December 31, 1909:

Executive mansion	$4,917.75
Public grounds	409.70
Public buildings	797.28

Public offices	$3,864.10
Lights, buildings and grounds	2,381.29
Water, buildings and grounds	2,209.72
Fuel	1,040.19
Porters	2,470.00
Elevator	146.85
Ice	303.50
State Arsenal	3.50
Custodian's salary	2,400.00

Respectfully submitted,

GEO. A. LEWIS,
Custodian of Public Buildings and Grounds.

Which was ordered to be filed.

Mr. Graves offered the following resolution, viz:

Resolved, That the Custodian of Public Buildings be and he is hereby instructed to procure sufficient waste baskets for the use of the members of the House, at least one for each two desks, and that the expense incurred thereby be paid as a contingent expense of the House.

Which was adopted.

Mr. Turner offered the following resolution, viz:

Resolved that one hundred copies of the Governor's message be printed, wrapped and stamped, and furnished each member of the House and laid upon his desk ready for mailing.

Which was adopted.

Mr. Klair moved that the House do now adjourn.

Said motion was agreed to.

TUESDAY, JANUARY 11, 1910.

The House was opened with prayer by the Rev. C. R. Hudson, of the Christian Church at Frankfort, Ky.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Shanks of Committee on Rules offered the following report, viz:

The Committee on Rules respectfully report to the House the accompanying rules for its government during the present session.

QUORUM OF THE HOUSE.

Rule 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members and of making an order for their censure and fine; a majority of the members may proceed to business and the numbers mentioned in this rule shall have power in the absence of the Speaker, to elect a Speaker pro tem, for the purpose above designated.

HOUR OF MEETING AND ADJOURNMENT.

Rule 2. The standing hour of meeting each day shall be ten (10) o'clock a. m., standard time, and the standing adjournment shall be 1:30 o'clock p. m., except on Monday, when the hour of meeting shall be twelve o'clock meridian, and the hour of adjournment 2 p. m. Provided, however, that a majority of the House may elect to hold

extra sessions at any time and extend the sitting of any session to any time within their discretion.

THE POWERS AND DUTIES OF THE SPEAKER.

Rule 3. The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he shall immediately call the members to order, and, a quorum being present, shall cause the Journal of the preceding day to be read.

Rule 4. He shall preserve decorum and order and in case of disturbance and disorderly conduct in the gallery or lobbies may cause the same to be cleared. He shall have general control, except as provided by rule or law, of the hall of the House and of the corridors and passages, of the unappropriated rooms in that part of the Capitol assigned to the use of the House, until further ordered. He may speak to points of order in preference to other members, rising from the chair for that purpose. He shall decide questions, of, or subject to, an appeal to the House on request of any two members, and the members appealing shall reduce the appeal in writing.

The Speaker shall have supervision over the clerks, sergeant-at-arms, door-keeper, janitor, pages or other employes of the House, and shall direct them as to their duties, and upon the failure of any of such officials to perform his duties, the Speaker shall have power to impose a fine upon such offender, not to exceed the per diem of such official or employe for each offense. Such a fine shall be entered upon the Journal and deduction from the compensation due such offender.

Rule 5. The standing committees of the House, herein named, shall be appointed by the Speaker.

Rule 6. The Speaker may state a question sitting, but shall rise to put a question.

Rule 7. Questions shall be distinctly put in this form, viz: "Gentlemen, you who are of the opinion that (as the question may be), say 'aye'; you of the contrary opinion, say 'nay.'"

Rule 8. If the Speaker be in doubt as to the result of a vote, or a division to be called for, the House shall divide; those in the affirmative of the question shall rise from their seats and afterwards those in the negative. If the Speaker still be in doubt, or a count be requested, the Speaker shall name two members, one from each side, to count those in the affirmative and the negative; which, being reported, he shall rise and state the decision of the House: Provided, however, that such decision or count shall not be allowed after the House shall have preceded to other business.

Rule 9. The Speaker shall have the right to name any member to perform the duties of the chair, but such Speaker pro tem shall not be empowered to act beyond a period of five (5) days.

Rule 10. It shall be the duty of the Speaker to direct the door-keeper and seargeant-at-arms to exclude all persons from the bar of the House, except the Governor, members of the Senate, officials of the several departments, persons included in Rule eleven (11), members of the Federal Congress, members of preceding Legislatures of this State.

Rule 11. The Speaker shall name the persons who shall act as reporters for the public press, but no reporter shall be admitted to the floor who is not an authorized representative of a newspaper. The reporters so named shall be entitled to such seats as the Speaker may designate.

DEBATE.

Rule 12. When a member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully

address the Speaker of the House as "Mr. Speaker," but shall not proceed until recognized by the Speaker.

Rule 13. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, through the Speaker, call the offender to order; and the member called to order shall immediately sit down unless permitted to explain, and the House, if appealed to, shall decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the House.

Rule 14. When two or more members rise at once, the Speaker shall name the member who is first to speak.

Rule 15. No member shall speak more than twice on the same questions without leave of the House, and he shall not speak more than once until every member of the House choosing to speak has spoken. No member shall be allowed to speak longer than one hour in the aggregate.

Rule 16. While the Speaker is putting any question or addressing the House, no one shall walk about the House, or leave; neither, in such case, nor when a member is speaking, shall any one talk or pass between the chair and the member who is speaking.

Rule 17. No member shall, in debate, name another member.

UNDEBATABLE MOTIONS.

Rule 18. Motions to proceed or dispense with the orders of the day, to dispense with any rule of the House, to take up business out of its regular order, to commit or re-commit, except with instructions, shall be propounded without debate.

Rule 19. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable motion.

WITHDRAWAL OF MOTIONS.

Rule 20. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed in the possession of the House, but may be withdrawn by the consent of the House, at any time before a decision or amendment.

MOTIONS.

Rule 21. After a motion is made and seconded it shall be stated by the Speaker, or, being in writing, shall be handed to the chair and read aloud by the clerk before debated.

Rule 22. Every motion shall be reduced to writing, if the Speaker or any member desire it.

ORDER OF MOTIONS IN DEBATE.

Rule 23. When a question is under debate no motion shall be received, but—

1. To fix the time to which the House shall adjourn.
2. To adjourn.
3. To lie on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To commit.

7. To amend.

8. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

MOTION TO ADJOURN.

Rule 24. A motion to adjourn shall always be in order except during roll-call or pending a motion to fix the time to which the House shall adjourn, and shall be decided without debate.

PREVIOUS QUESTION.

Rule 25. The previous question being moved and seconded, the question from the chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put. The effect of the previous question shall be to put an end to all debate (except on the final passage of the measure under consideration, the right of the opponents of the measure to have ten minutes to debate the proposition and the right of the proposer of the measure under consideration to close debate; and he shall be limited to ten (10) minutes, unless his time be extended by consent of the House) and bring the House to a direct vote on amendments proposed by a committee, if any; then on pending amendments, and all amendments which have been read for information of the House by the clerk shall be regarded as pending amendments, and then upon the main question.

DIVISION OF QUESTIONS.

Rule 26. Any member may call for a division of the question when the sense will admit of it.

COMMITMENT OF MOTIONS.

Rule 27. Motions and reports may be committed at the pleasure of the House. (See Rule 18, ante.)

AMENDMENTS.

Rule 28. No motions or propositions on a subject different from that under consideration shall be admitted under color or amendment.

ELECTIONS.

Rule 29. In all cases of elections there shall be a previous nomination before the House.

PETITIONS, MEMORIALS, ETC.

Rule 30. Petitions, memorials and other papers addressed to the House may be presented by any member in his place; and in such case he shall briefly state the contents of said petitions, memorials and other papers, and they must be received, read and referred on the same day by agreement of the House.

CALL OF YEAS AND NAYS.

Rule 31. Upon a call of the years and nays on any question, the names of the members shall be called alphabetically, which shall be made at any time when a division or a count may be had, and upon the completion of any roll call the Speaker shall, upon the request of any member, order the clerk to call the absentees once.

CALL OF THE HOUSE.

Rule 32. On a call of the House the door shall not be shut

against a member until his name is called twice, and then absentees shall be noted by the clerk, and fined one dollar, unless excused by the House.

VOTING.

Rule 33. No member shall vote on any question in the result of which he is mediately or immediately interested, or in any case where he was not within the bar of the House before the result was announced.

Rule 34. Every member in the House when a question is put, or present before the result is announced, shall vote, unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without debate, and in no event shall any member be excused from voting on a motion to excuse another member from voting. But this rule shall not apply to the Speaker, whose name shall not be called upon the roll, except on his own request, and then only at the end of the roll call, and before the result is announced, but in all cases of a tie vote the Speaker shall vote.

ORDER OF BUSINESS.

Rule 35. The order of business each day shall be as follows:

1. The reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein.

2. Petitions.

3. Motions and resolutions. Limited to one hour.

4. Reports of special and standing committees in the order as given in Rule 42.

5. On Mondays and Thursdays of each week, after the first order above named in this rule, there shall be a call of the counties for the introduction of bills according to Rule 36, which shall be privileged and take precedence of all other business of the House: Provided, That the orders of the day be called for precisely at 12 o'clock on each day; and provided, further, that upon the call of counties on the days provided for the presentation of bills, in the event every county shall not have been called, the clerk shall, on the next day, commence the call where he left off at the last call.

6. Any business which did not belong to the order of the day, and which remains unfinished upon the adjournment of the House, or upon the calling of the standing orders of the day, shall be the first business in order each day upon the convening of the House, and any business which belongs to the standing orders of the day, which remains unfinished upon the adjournment of the House, shall be the first business when the orders of the day are resumed: Provided, however, that the unfinished business shall yield to the business designated in division 5 of this rule.

INTRODUCTION OF BILLS.

Rule 36. Bills shall be introduced on every Monday and Thursday on an alphabetical call of the counties for that purpose as follows:

Subdivision 1. On the call of each county the member from said county shall rise from his seat and addressing the chair, send to the clerk's desk any bill or bills or joint resolution which he wishes to introduce, with the title thereof indorsed thereon in a plain and legible hand, which bill or joint resolution shall be read by its title, and thereupon the Speaker shall order the same to be printed and refer the same to its appropriate committee for consideration, and report, and from such order of reference by the Speaker the member introducing the bill may appeal to the House if he so desires. All bills

shall be printed and distributed in the order in which they are introduced, and the usual number of copies of the same shall be printed for the use of the members of the Senate and House.

Subdivision 2. Upon the report of a bill or joint resolution by any committee, the clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the journal. Any standing or special committee may originate a bill and introduce the same upon its call for report, when it shall have its first reading and be ordered printed.

Subdivision 3. The clerk shall number all bills in the order they are so introduced, and continue the numbers in their order to the end of the session; and he shall keep a register of all bills introduced in the House, or transmitted for concurrence from the Senate, in which shall be recorded under appropriate heads, the progress of such bills from the date of their introduction to the time of their transmission—if House bills, to the Governor, or, if Senate bills, their return to the Senate.

Subdivision 4. When a bill has had its first reading it shall be placed by the clerk in a calendar to be kept by him, and said calendar shall be separate from the bills in the orders of the day. Each day before the House enters into the consideration of the order of the day, and the clerk shall take up the calendar and give all bills therein their second reading, except such as have been placed there upon that day.

Rule 37. When a bill has been read a second time it shall be placed in the orders of the day or recommitted, and when next reached in the House, it shall be ready for amendment, recommitment or debate, or to be read a third time and placed upon its passage. A bill may be recommitted at any time before its passage.

Rule 38. When a bill shall have been referred to any committee,

it shall be the duty of the chairman of such committee, to submit the bill for the consideration of his committee, and such committee shall make such amendments to said bill as it may deem proper, and report said bill to the House with such amendments. A majority of the members of a committee shall be present before a bill may be considered. No bill shall be considered or a report on same determined upon, except when the committee is in session. A committee in reporting a bill to the House shall make its report in writing, and such report shall be signed by a majority of such committee, but after said majority report has been made the minority may make its report, which shall also be in writing and signed by the members of the committee making such report. Bills shall not be engrossed except by order of the House; and the style of every bill shall be: "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

Rule 39. When a bill passes, it shall be certified by the clerk, who, at the foot thereof, shall note the day on which it passed.

SUSPENSION OF THE RULES.

Rule 40. The standing rules of the House and the regular order of business shall not be suspended or interrupted unless by a vote of two-thirds of the members present: Provided, however, that this rule shall not prevent the suspension or postponement of any special order, or of the standing orders of the day for the purpose of completing or continuing the consideration of any measure pending at the time such special or standing orders may be reached.

Rule 41. The following shall be and constitute the standing committees of the House of Representatives, and each committee shall be composed of nine members, except the Committee on Enrollments, which shall have five members:

Agriculture.
Appropriations.

Assignment of Committee Rooms.
Banks and Banking.
Corporate Institutions.
Commerce and Manufacturing.
Claims.
Classification of Cities and Towns.
Court of Appeals.
Circuit Courts.
County and City Court.
Codes of Practice.
Criminal Law.
Charitable Institutions.
Cities of the Fourth Class.
Cities of the Fifth and Sixth Classes.
Confederate Home.
Executive Affairs.
Education No. 1.
Education No. 2.
Federal Relations.
Fish and Game.
Forestry.
Geological Survey.
Internal Improvements.
Immigration and Labor.
Insurance.
Interurban and City Railways.
Judiciary.
Kentucky Statutes.
Juvenile Courts and Children's Homes.
Land Titles.
Legislative Accounts.
Military Affairs.
Mines and Mining.
Municipalities.

Printing.
Propositions and Grievances.
Public Library.
Public Offices.
Public Health.
Public Morals.
Public Roads and Highways.
Public Ditches and Fences.
Public Bridges.
Public Utilities.
Public Warehouses and Graneries.
Public Monuments and Historical Records.
Racing Commission.
Railroads.
Revenue and Taxation.
Retrenchment and Reform.
Redistricting—Legislative.
Redistricting—Congressional.
Redistricting—Judicial.
Pure Food.
State Capitol.
State Fair.
Suffrage and Election.
Sinking Fund.
State Prison and House of Reform.
State University and Normal Schools.
Tuberculosis.
Ways and Means.
Federal and State Constitutional Amendments.
Enrollments.
Rules.

And it shall not be competent for the House, by vote or otherwise, to add any one to the membership of either of said committees; but a vacancy from any cause may be filled by appointment by the Speaker.

Rule 43. The Committee on Enrollments may report at any time when not excluded by a privilege motion: Provided, that when any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees are called. And, provided, also, that no bill shall be reported by any committee which was introduced after said committee began to report.

COMMITTEE OF THE WHOLE.

Rule 44. It shall be the standing order of the day throughout the session for the House to resolve itself into a Committee of the Whole House on the State of the Commonwealth.

Rule 45. When a bill or other matter is committed to a Committee of the Whole House, the question of going into the Committee of the Whole shall be first in order of the day.

Rule 46. In Committee of the Whole House, bills shall be read and debated by sections, leaving the preamble and the title to be the last considered.

Rule 47. All amendments made to an original House bill or resolution Committee of the Whole House shall be incorporated in the original and so reported.

Rule 48. All questions, whether in the committee or in the House, shall be disposed of in the order in which they are moved, except that in filling blanks the largest sum and the most remote day shall be put first.

Rule 49. The rules of the House shall be observed in committee when applicable, excepting a rule limiting the time of speaking.

FINES.

Rule 50. All fines imposed on absentees shall be collected by the Sergeant-at-Arms and converted into the Treasury.

CLERK'S DUTY.

Rule 51. The Clerk or Assistant Clerk shall report all bills or resolutions to the Senate unless otherwise ordered by the house.

Rule 52. No member or other person shall visit or remain by the clerk's table when the yeas and nays are being called.

Rule 53. All bills and joint resolutions originating in the Senate and reported to this House as passed therein, shall be read by their titles, when the Speaker shall refer them to appropriate committees.

Rule 54. The Clerk of the House shall by and with the approval of the Speaker, employ a stenographer or assistant whose duty it shall be to assist the Clerk in his duties, and who shall see that the Journal of the House is furnished the Public Printer and printed and placed upon the members' desks. Such assistant shall be allowed as compensation for his services four dollars per day, to be certified by the clerk as a contingent expense of the House. Said appointment may be revoked at any time by the Speaker and Clerk.

DUTIES OF THE ENROLLING CLERK.

Rule 55. The Enrolling Clerk of the House shall each day call upon the Clerk and take charge of all House bills as soon as they are reported back to the House and ready to be enrolled; keep an accurate account of and carefully preserve all of them; cause them without delay to be plainly and legibly enrolled without blots, erasures or interlineations, and present the same when enrolled to the Committee on Enrollments, who shall immediately report them to the

House for comparison and the signature of the Speaker; and when signed by the Speaker of the House, the Enrolling Clerk shall deliver them at once to the Senate or such committee as may be authorized to receive them in that body. All original House bills shall be returned by the Enrolling Clerk to the Clerk of the House at the time of signing of the enrolled bills, and the Clerk of the House shall carefully preserve them.

DOORKEEPER AND SERGEANT-AT-ARMS.

Rule 56. The Chief Clerk or his assistant, the Door-keeper, the Sergeant-at-Arms, and all employees under them shall be in the House thirty minutes before the hour for the House to convene; and five minutes before the hour for the meeting of the House each day, the Door-keeper and Sergeant-at-Arms shall see that the floor of the House is cleared of all persons, except those privileged to remain. (See Rules 10 and 11). And the Sergeant-at-Arms is empowered to deputize as many assistant sergeants-at-arms as he may deem necessary to carry out the order of the Speaker under Rule 4 of these rules.

MOTION TO RECONSIDER.

Rule 57. A motion to reconsider any motion of the House shall be in order for a period of three days, Sundays included, from the time said vote was taken; but a motion to reconsider shall not be in order after action has been had by the House in consequence of the decision proposed to be reconsidered. For instance, a motion to commit can not be reconsidered after the committee has taken the papers.

GENERAL PROVISIONS.

Rule 58. On all questions not provided for in the foregoing rules, the House shall be governed by parliamentary law or usage:

Provided, the author of any measure shall have five minutes' time in which to explain upon the motion to lay on the table.

Rule 59. Whenever any committee shall report to the House a bill with the expression of opinion that it should not pass, said bill shall not be entitled to a reading unless it is ordered by a vote of the House; and upon the question whether or not said bill shall be read the report of the committee to the contrary notwithstanding, no debate shall be allowed, except that the originator of the bill, or any one indicated by him, shall have ten minutes in which to explain the bill; and any one member of the committee who favors the report of the committee may have a like time in which to explain the action of the committee, and then if said bill shall be ordered to a reading, it shall be read the first time in full and recommitted or placed in the calendar.

Rule 60. No appropriation shall be reported in any appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Rule 61. That during the last fifteen days of the session, the Committee on Rules shall have the power at any time to call from the orders of the day any bill or resolution and propose the same to the House for consideration and should the House decide by vote to consider it, it shall be submitted for passage. The committee shall be authorized to call from other committees any bill or resolution in their hands and have them advance to the reading to which the bills may be entitled.

Rule 62. If any bill, motion or resolution has been by vote carried or lost, and a motion is made to reconsider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to said bill, motion or resolution, unless by the unanimous consent of the House.

Rule 63. All pairs announced in the House shall be entered on the Journal.

Rule 64. When the roll is being called on any proposition and the hour of adjournment arrives, the time for adjournment shall be extended until said roll call has been completed and the result announced.

GEO. S. WILSON,
Speaker and Ex-officio Chairman.
W. H. SHANKS.
H. A. SCHOBERTH.
W. F. KLAIR.
J. F. PORTER.
JAMES T. BUFORD.
S. M. RUSSELL.
MARION F. POGUE.
C. F. CRECELIUS.

Which was adopted.

Mr. Shanks of the Committee on Rules offered the following resolution, viz:

Whereas, since the occupation of the new Capitol it has become necessary to employ more persons in order that the business of the House may be conducted in proper manner and expediently—

Resolved, That the Speaker of the House of Representatives be and he is empowered and directed to appoint two Stenographers who shall assist the members of the House and the several committees thereof when required, one Bill Clerk, two Mail Clerks, four assistants to the Door-keeper, four messengers who shall each perform such duties as the Speaker may designate for and impose upon them.

That he shall also appoint one Stenographer who shall be under the control of the Chief Clerk and shall perform such duties as the said Clern may designate. Also one Porter who shall keep in order the offices of the Speaker of the House and President of the Senate and Clerks of the two Houses.

The compensation of each of said employees shall be fixed by the Speaker of the House and shall not in any case exceed five dollars per day and shall commence with the beginning of the present session.

The Auditor of Public Accounts is directed to draw his warrant upon the Treasurer in favor of said employees upon the certificate of the Speaker.

Said resolution was agreed to.

The yeas and nays being required thereon by Messrs. Carter and Price were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
Eli Berry,
J. M. Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Peter J. Cosgrove,
C. F. Crecelius,
T. D. Graham,
F. E. Graves,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Hugh Mahin,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
A. H. Points,
J. F. Porter,
Geo. W. Reid,
H. T. Rich,
J. F. Richardson,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
Herman Southall,
John S. Steers,
Geo. C. Waggoner,
L. F. Withers,
J. R. Zimmerman,
Speaker Wilson—47

Those who voted in the negative were—

W. D. Allbright,
P. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
S. M. Carson,
L. H. Carter,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
W. L. Craig,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,

L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
Robt. L. Harris,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
H. L. Lewis,
J. H. McWaters,
R. H. Moss,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
W. A. Price,
L. R. Ray,
R. A. Read,
G. T. Reynolds,
J. T. Riherd,
Farris Roberts, Jr.,
W. L. Shearer,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
W. F. Welch, —46

Mr. Klair moved to reconsider the vote by which said resolution was agreed to and moved to lay that motion on the table.

Said last named motion was agreed to.

The Speaker laid before the House the following communication, viz:

DEPARTMENT OF
AGRICULTURE, LABOR AND STATISTICS.
Frankfort, Ky., January 10, 1910.

To the Senate and House:

SIRS: I feel that an explanation is due you concerning my biennial report not being on your desks.

First, I began to place in the hands of the Public Printer my report in October and had it to him the 20th day of November, 1909, the date set by him, and had his agreement that he would have it ready to lay before you on January 4, 1910, and he has failed to do same. Therefore, there rests on me no dereliction of duty to have this report placed before you, and I will say that I have used all proper diligence to have same performed by the Public Printer.

Why he has failed to come across with said report I know not,

and from the position I am now in I can make no promise as to when I can have same, but will use all proper diligence to place same before you at the earliest date possible.

Respectfully,

M. C. RANKIN,
Commissioner of Agriculture.

Which was received and filed.

A message was received from the Senate announcing that they had adopted the following resolution, viz:

S. Res. 3. Resolution concerning the State University and Carnegie Foundation.

Ordered that said resolution lie on the Clerk's desk.

The Speaker announced the appointment of the standing committees of this House as follows, viz:

HOUSE STANDING COMMITTEES.

Agriculture.—S. A. Shanklin, Chairman; Hugh Mahin, Z. T. Coleman, G. T. Reynolds, W. T. Kenton, Sidney G. Clay, J. P. Chinn, George C. Waggoner, C. C. Patrick.

Appropriations.—John S. Steers, Chairman; W. H. Shanks, W. F. Pittman, W. G. Caudill, J. T. Riherd, J. W. Claypool, H. T. Rich, W. G. Keen, E. E. Trivette.

Assignment of Committee Rooms.—J. O. Bogie, Chairman; W. H. Shanks, J. W. Berkshire, John M. Letterle, Peter J. Cosgrove, W. G. Caudill, H. L. Lewis, J. H. Evans, S. B. Johnson.

Banks and Banking.—Hugh Mahin, Chairman; W. V. Perry, L. B. Herrington, L. C. Owings, G. T. Reynolds, A. H. Points, Eli Berry, P. W. Berkshire, J. W. Turner.

Corporate Institutions.—Samuel D. Hines, Chairman; John W. Holland, J. R. Zimmerman, W. H. Newell, W. V. Perry, George W. Reid, John C. Pirtle, L. C. Littrell, S. P. Parks.

Commerce and Manufacture.—Samuel L. Robertson, Chairman; V. A. Bradley, W. L. Craig, W. H. Newell, John M. Letterle, H. C. Duffy, L. C. Owings, L. H. Francis, J. W. Perry.

Claims.—John H. McWaters, Chairman; J. F. Porter, W. F. Pittman, G. T. Reynolds, J. R. Zimmerman, J. W. Perry, Robert L. Harris, T. M. Bertram, Wm. S. Dean.

Classification of Cities and Towns.—J. W. Berkshire, Chairman; H. A. Schoberth, Z. T. Coleman, Sidney G. Clay, Henry Chunn, John C. Pirtle, T. M. Bertram, Edward A. Weber, E. E. Trivette.

Court of Appeals.—Eli Berry, Chairman; W. A. Price, Charles W. Fulton, W. V. Perry, J. R. Zimmerman, James T. Buford, O. Houston Brooks, W. G. Keen, M. G. Colson.

Circuit Courts.—Ben E. Niles, Chairman; J. R. Zimmerman, Hite Huffaker, W. V. Perry, V. A. Bradley, Herman Southall, Frank S. Moore, L. H. Carter, W. F. Welch.

County and City Courts.—J. R. Zimmerman, Chairman; W. H. Newell, Frank J. Brown, Herman Southall, Eli Berry, Charles W. Fulton, Ben E. Niles, W. A. Price, J. W. Perry.

Codes of Practice.—Hite Huffaker, Chairman; L. B. Herrington, W. H. Shanks, Samuel D. Hines, S. M. Russell, L. H. Carter, Frank S. Moore, Peter J. Cosgrove, J. W. Turner.

Charitable Institutions.—Herman Southall, Chairman; Eli Berry, S. M. Russell, Marion F. Pogue, H. T. Gartin, L. F. Withers, Z. A. Clore, J. F. Porter, W. L. Craig.

Criminal Law.—F. E. Graves, Chairman; James T. Buford, Peter J. Cosgrove, L. F. Withers, S. M. Russell, George W. Reid, John W. Holland, Eli Berry, W. F. Welsh.

Cities of the Fourth Class.—Frank S. Moore, Chairman; Sidney G. Clay, J. P. Chinn, Hugh Mahin, J. F. Richardson, H. T. Gartin, John W. Holland, H. L. Lewis, J. W. Perry.

Cities of the Fifth and Sixth Class.—G. G. Frazier, Chairman; George C. Waggoner, S. C. Roberts, O. M. Kelsey, Frank S. Moore, J. H. Lackey, L. C. Littrell, S. P. Parks, Faris Roberts, Jr.

Confederate Home.—J. F. Richardson, Chairman; John S. Steers, L. C. Littrell, Charles W. Fulton, J. W. Berkshire, R. H. Akin, S. F. Crabtree, Z. T. Coleman, S. M. Carson.

Executive Affairs.—R. H. Akin, Chairman; J. F. Porter, J. T. Riherd, W. F. Pittman, Ben E. Niles, W. T Kenton, S. P. Parks, J. W. Perry, Robert L. Harris.

Education No. 1.—L. H. Carter, Chairman; J. F. Porter, Marion F. Pogue, H. J. Meyers, Peter J. Cosgrove, Wm. J. Klair, L. C. Littrell, J. W. Turner, Faris Roberts, Jr.

Education No. 2.—L. C. Littrell, Chairman; C. F. Crecelius, F. E. Graves, J. T. Riherd, Henry Chunn, O. Houston Brooks, W. R. Whitlow, Albert J. Counts, Edward A. Weber.

Federal Relations.—H. T. Gartin, Chairman; J. R. Zimmerman, W. F. Pittman, Henry Chunn, T. D. Graham, A. H. Points, Samuel L. Robertson, W. D. Allbright, G. H. Plitt.

Fish and Game.—Sidney G. Clay, Chairman; Z. T. Coleman, H. C. Duffy, W. T. Kenton, J. P. Chinn, H. A. Schoberth, J. O. Bogie, W. V. Perry, L. H. Francis.

Forestry.—W. G. Caudill, Chairman; Charles W. Fulton, W. L. Craig, P. W. Berkshire, W. R. Whitlow, H. T. Rich. W. G. Keen. J. H. Evans, R. A. Read.

Geological Survey.—L. B. Herrington, Chairman; W. H. Newell, A. H. Points, J. P. Chinn, Hugh Mahin, T. D. Graham, R. A. Read, W. D. Allbright, J. J. Taylor.

Internal Improvements.—R. D. Hunter, Chairman; G. T. Reynolds, L. F. Withers, Z. T. Coleman, A. H. Points, Herman Southall, G. G. Frazier, T. M. Bertram, S. M. Carson.

Immigration and Labor.—J. H. Williams, Chairman, Hite Huffaker, L. R. Ray, J. T. Riherd, J. F. Richardson, T. D. Graham, J. J. Taylor, G. H. Plitt, R. L. Harris.

Insurance.—John W. Holland, Chairman; C. F. Crecelius, S. A. Shanklin, Wm. F. Klair, J. O. Bogie, F. E. Graves, R. H. Akin, James T. Buford, C. C. Patrick.

Interurban and City Railways.—Peter J. Cosgrove, Chairman; Eli Berry, John S. Steers, J. H. Williams, Henry Chunn, Frank J. Brown, Wm. F. Klair, H. A. Schoberth, M. G. Colson.

Judiciary.—W. H. Shanks, Chairman; H. A. Schoberth, W. V. Perry, Hite Huffaker, F. E. Graves, Herman Southall, O. Houston Brooks, V. A. Bradley, Don G. McVean.

Kentucky Statutes.—H. A. Schoberth, Chairman; L. F. Withers, John W. Holland, Frank S. Moore, George W. Reid, J. R. Zimmerman, L. H. Carter, L. B. Herrington, W. L. Shearer.

Juvenile Courts and Children's Home.—L. F. Withers, Chairman; Don G. McVean, W. H. Shanks, O. M. Kelsey, George C. Waggoner, J. W. Berkshire, P. W. Berkshire, W. G. Keen, W. L. Shearer.

Land Titles.—W. L. Craig, Chairman; A. H. Points, S. F. Crabtree, T. D. Graham, J. H. Lackey, W. G. Caudill, R. A. Read, Albert J. Counts, M. G. Colson.

Legislative Accounts.—H. C. Duffy, Chairman; W. F. Pittman, L. R. Ray, John H. McWaters, Z. A. Clore, J. H. Lackey, Wm. S. Dean, J. J. Taylor, W. D. Allbright.

Military Affairs.—R. H. Moss, Chairman; J. R. Claypool, S. M. Russell, S. A. Shanklin, L. B. Herrington, George W. Reid, Hite Huffaker, Frank S. Moore, J. W. Turner.

Mines and Mining.—John C. Pirtle, Chairman; V. A. Bradley, Marion F. Pogue, J. F. Richardson, J. H. Williams, Ben E. Niles, J. W. Turner, H. L. Lewis, Robert L. Harris.

Municipalities.—Wm. F. Klair, Chairman; F. E. Graves, H. J. Meyers, Samuel L. Robertson, W. H. Newell, W. T. Kenton, R. D. Hunter, Hugh Mahin, Edward A. Weber.

Printing.—L. R. Ray, Chairman; W. H. Newell, H. A. Schoberth, Marion F. Pogue, R. H. Akin, Herman Southall, L. C. Littrell, E. E. Trivette, W. L. Shearer.

Propositions and Grievances.—J. T. Riherd, Chairman; T. D. Graham, O. M. Kelsey, L. C. Owings, W. F. Pittman, John H. McWaters, Wm. S. Dean, Albert J. Counts, W. B. Creekmore.

Public Library.—Henry Chunn, Chairman; G. T. Reynolds, G. G. Frazier, W. A. Price, James T. Buford, T. D. Graham, W. B. Creekmore, Albert J. Counts, J. J. Taylor.

Public Offices—A. H. Points, Chairman; J. O. Bogie, Frank S. Moore, James T. Buford, H. J. Meyers, J. H. Lackey, S. C. Roberts, J. M. Blair, Faris Roberts, Jr.

Public Health—J. H. Lackey, Chairman; R. H. Moos, Hite Huffaker, O. M. Kelsey, H. T. Gartin, Z. A. Clore, J. W. Clayool, J. H. Evans, G. H. Plitt.

Public Morals—George C. Waggoner, Chairman; Ben E. Niles, John S. Steers, S. A. Shanklin, C. F. Crecelius, S. M. Russell, Wm. F. Klair, F. E. Graves, L. H. Carter.

Public Roads and Highways—L. C. Owings, Chairman; R. D. Hunter, H. C. Duffy, Don. G. McVean, R. H. Moss, John H. McWaters, H. T. Gartin, P. W. Berkshire, E. E. Trivette.

Public Ditches and Fences—P. W. Berkshire, Chairman; S. F. Crabtree, S. C. Roberts, W. R. Whitlow, J. F. Porter, W. G. Caudill, H. T. Rich, J. M. Blair, R. A. Read.

Public Bridges—W. A. Price, Chairman; H. J. Meyers, Don G. McVean, Frank J. Brown, L. H. Carter, S. C. Roberts, S. M. Carson, Faris Roberts, Jr., C. C. Patrick.

Public Utilities—S. M. Russell, Chairman; F. E. Graves, R. H. Moss, George W. Reid, Samuel D. Hines, W. H. Shanks, John H. McWaters, M. G. Colson, T. M. Bertram.

Public Warehouses and Graneries—W. T. Kenton, Chairman; Hugh Mahin, S. A. Shanklin, W. R. Whitlow, C. F. Crecelius, J. H. Williams, John S. Steers, J. W. Turner, C. C. Patrick.

Public Monuments and Historical Records—Z. T. Coleman, Chairman; John S. Steers, John C. Pirtle, G. T. Reynolds, L. R. Ray, L. C. Owings, Edward A. Weber, L. H. Francis, S. M. Carson.

Racing Commission—J. P. Chinn, Chairman; L. C. Owings, Hugh Mahin, S. C. Roberts, L. S. Witsers, Sidney G. Clay, Z. A. Clore, W. B. Creekmore, Robert L. Harris.

Railroads—J. F. Porter, Chairman; S. M. Russell, F. E. Graves, J. H. Williams, Wm. F. Klair, Samuel L. Robertson, L. F. Withers, Frank S. Moore, S. B. Johnson.

Revenue and Taxation—W. B. Perry, Chairman; Samuel D. Hines, S. M. Russell, Marion F. Pogue, J. F. Porter, Sidney G. Clay, O. Houston Brooks, John C. Pirtle, Edward A. Weber.

Retrenchment and Reform—Z. A. Clore, Chairman; R. D. Hunter, S. A. Shanklin, J. H. Lackey, R. H. Akin, Z. T. Coleman, John M. Letterle, Edward A. Weber, E. E. Trivette.

Redistricting—Legislative—Charles W. Fulton, Chairman; Hugh Mahin, P. W. Berkshire, Samuel D. Hines, J. R. Zimmerman, Frank J. Brown, G. G. Frazier, J. W. Perry, H. L. Lewis.

Redistricting—Congressional—V. A. Bradley, Chairman; J. T. Riherd, R. H. Moss, S. F. Crabtree, Don G. McBean, J. F. Richardson, Frank J. Brown, L. H. Francis, J. M. Blair.

Redistricting—Judicial—George W. Reid, Chairman; J. H. Williams, H. C. Duffy, W. A. Price, H. J. Meyers, W. L. Craig, Z. A. Clore, W. F. Welch, S. P. Parks.

Pure Food—O. M. Kelsey, Chairman; John M. Letterle, S. C. Roberts, J. H. Williams, S. J. Crabtree, G. H. Plitt, H. T. Rich, H. L. Lewis, Wm. S. Dean.

State Capitol—James T. Buford, Chairman; John S. Steers, R. D. Hunter, Marion F. Pogue, O. Houston Brooks, R. H. Akin, Ben E. Niles, W. B. Creekmore, W. D. Allbright.

State Fair—W. R. Whitlow, Chairman; R. D. Hunter, H. T. Gartin, Samuel L. Robertson, L. C. Owings, W. A. Price, W. F. Welch, S. B. Johnson, R. A. Read.

Suffrage and Elections—H. G. Meyers, Chairman; Marion F. Pogue, G. G. Frazier, Frank J. Brown, R. D. Hunter, J. W. Claypool, W. H. Shanks, W. F. Welch, J. M. Blair.

Sinking Fund—G. T. Reynolds, Chairman; George C. Waggoner, S. C. Roberts, J. W. Berkshire, Henry Chunn, Peter J. Cosgrove, S. B. Johnson, Faris Roberts, Jr., Albert J. Counts.

State Prisons and House of Reform—C. F. Crecelius, Chairman; John H. McWaters, W. H. Shanks, J. O. Bogie, F. E. Graves, Frank S. Moore, Samuel D. Hines, H. J. Meyers, James T. Buford.

State University and Normal Schools—Don G. McVean, Chairman; Samuel D. Hines, L. B. Herrington, Wm. F. Klair, J. W. Claypool, F. E. Graves, H. A. Schoberth, J. W. Turner, M. G. Colson.

Tuberculosis—J. W. Claypool, Chairman; J. O. Bogie, O. M. Kelsey, J. W. Berkshire, H. C. Duffy, J. P. Chinn, R. H. Moss, H. T. Rich, J. H. Evans.

Ways and Means—Frank J. Brown, Chairman; R. D. Hunter, V. A. Bradley, S. F. Crabtree, George C. Waggoner, J. F. Porter, W. A. Price, S. M. Carson, G. H. Plitt.

Federal and State Constitutional Amendments—O. Houston Brooks, Chairman; L. F. Withers, J. F. Porter, Frank J. Brown, J. T. Riherd, John W. Holland, W. H. Newell, W. G. Keen, W. L. Shearer.

Enrollments—John M. Letterle, Chairman; Charles W. Fulton, Frank J. Brown, R. H. Moss, Albert J. Counts.

Rules—George S. Wilson, Chairman, Ex Officio; W. H. Shanks, H. A. Schoberth, Wm. F. Klair, J. F. Porter, S. M. Russell, Marion F. Pogue, James T. Buford, C. F. Crecelius.

Mr. Klair moved that the Clerk be directed to have the list of standing committees printed for the use of the members of the General Assembly, and that he have them printed in folder form.

Mr. Carter of the special committee to which was referred the communication from the Treasurer and Auditor.

(See House Journal January 6th.)

offered the following report, viz.:

We, the undersigned, your committee to which the communication of the Auditor and Treasurer, in regard to payment of expense of this Legislature, was referred, have duly considered same and report: That there are warrants outstanding, payable to the schools, in the sum of $544,000; in favor of the State University, in the sum of $25,000; both aggregating $569,000. To meet these warrants there is now in the Treasury $561,300—$7,770 than is necessary to said warrants, which sum has been taken from the school fund and paid to the creditors of the Commonwealth. $893.90 of the same has been paid to members of the General Assembly.

That there is no other money in the Treasury. Estimates of the Auditor and Treasurer are to the effect that about $599,714 will be collected prior to February 1, 1910, and $464,000 during February, 1910, and $225,000 during March, 1910.

Your committee appreciates the gravity of the problem of which the Auditor of Public Accounts and the Treasurer seek solution; but the facts are known to them and the executive department of the government of which they are arms, is provided with an Attorney-General and three efficient assistants, all learned in the law and able to advise on legal matters connected with the conditions respecting which counsel is asked of this House.

In the opinion of this committee, the founders of this Commonwealth divided the powers of government among three distinct departments—the Executive, the Judicial, and the Legislative— granting to each certain well-defined powers and imposing definite duties, which neither of the other departments might in any way enjoy or perform, for the sole purpose of making each department a check upon the others. In the spirit of our institutions it is the office of each of the departments of the Government to act the monitor of the others and never be the counsellor.

Any continuous unity of action on the part of the various departments must soon result in a unity of the powers of Government and a complete subversion of the republican system of government, and the establishment of despotism. The stability of free institutions demands that each department should zealously exercise its constitutional functions, neither affected by nor attempting to affect the acts of the other departments, except in the discharge of its constitutional duties.

Again, this House is in no sense an advisory body. It would clearly transcend its powers and depart from its path of duty were it to undertake to advise the Executive department. Under the constitution the General Assembly can speak in but one way—through legislation—and its only word is the written law. We are not now asked for legislation; we are asked for advice.

The communication from the Auditor and Treasurer now under consideration merely asks this House to approve or disapprove the

diversion by these officials of a part of the school fund and its payment to the members of the General Assembly in settlement of their mileage and per diem claims.

We respectfully suggest that the solution of the legal question involved; that it, whether under the law the school fund can be diverted by the Auditor and Treasurer, may be had by inquiry of the Attorney-General; and that a final and definite ascertainment of the law involved may be speedily obtained through the Court, for to the Judicial department of the Government is granted, in the constitution, exclusive authority in interpreting the law. After all the sources from which the common school fund is derived in preceding sections are named, the Kentucky Statutes, Carroll's compilation, in Section 4371, provides; "the foregoing shall constitute the annual resources of the school fund of Kentucky, and shall be paid into the Treasury, and shall not be drawn out or appropriated, except to pay the expenses of the State Department of Education of whatever character or kind, and in aid of common schools, as provided in this Chapter."

And to further provide against the mixing of the school funds and other funds in the Treasury and the possibility of the school fund being used for other than school purposes it is provided in Section 158, Carroll's Kentucky Statutes, that no part of the ordinary revenue shall be drawn from the Treasury and applied to the payment of debts contracted on behalf of the Public Schools.

Why officials of this department, after having construed this act and acted upon their construction so long, and just when such construction is in apparent need to meet the great and pressing demands on an empty Treasury, which demands are increased by reason of a sitting Legislature, it is not our province to inquire. Nor do we advise the payment of the members of the General Assembly to the exclusion of other officers and creditors of the Commonwealth. We urge that they are entitled in law to no preference on the part of the Executive Department over any creditor of the State, although

many are poor and taken from their homes and compelled to remain at the seat of Government, in the performance of their duties at great expense and sacrifice. We are mindful that the compensation provided for them by law, even if promptly paid, is hardly sufficient to meet their barest necessities. But these of that branch of public service to which the funds in the Treasury belongs—the public school teachers—are no better paid, and as much beset by necessities as members of this House, and by the letter of the law, the money in the Treasury is theirs.

We resolve every doubt, if doubt there be, in favor of the Public Schools of this Commonwealth and recommend that the action of the Treasury in paying members of the General Assembly out of the school fund, be not endorsed.

Should the Auditor and Treasurer seek legal means of paying the members of the Senate and House of Representatives for their services to the public, the Treasurer is now advised, on the authority of the Attorney-General, that warrants bearing six per centum interest may be issued in payment of all outstanding obligations of the State. Should such warrants be issued and tendered the members the cash could be readily obtained therefor.

A copy of the opinion of the Attorney-General as to the legal authority for the issual of such warrants is filed as a part hereof.

Respectfully submitted,

LILLARD CARTER,
H. A. SCHOBERTH,
S. M. RUSSELL,
Committee.

(COPY.)

January 18, 1909.

CAPT. ED FARLEY, Treasurer,
Frankfort, Ky.

DEAR SIR: In answer to your inquiry as to whether or not the Act of May 8, 1897, authorizing the issuing of interest bearing warrants in payment of the liabilities of the State, where there is no money in the Treasury to pay same, has been repealed, I would respectfully submit the following reply:

The act under consideration is entitled "An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrant shall be paid."

This act was unquestionably passed for a particular purpose and to meet an emergency, but I am of the opinion that it is still in full force and effect. Section 1 of the act provides:

"All warrants hereafter issued by the Auditor for claims against the State of Kentucky shall bear interest at the rate of six per cent per annum from the date of the issue until paid, or until called in for payment by the Treasurer, etc."

This act is copied in full in the compilation known as the Kentucky Statutes, Carroll's Edition, 1899, and may be found in that volume as Section 4688a, 7 subsections. In the compilation of the Kentucky Statutes by Carroll issued in 1903, the following statement is made under Section 4688a:

"INTEREST BEARING WARRANTS. The act of May 8, 1897, providing that warrants issued should bear interest from the date of the issual until paid is now obsolete and is omitted. (Ed.)"

Now it will be noticed that Judge Carroll does not say that the

act of May 8, 1897, has been repealed, but only says that it is obsolete and therefore omitted from this particular edition of the Kentucky Statutes. The mere fact that an editor or compiler of the Statutes may not see any further immediate use for a statute, and for that reason omits it from his compilation, is not a repeal of the statute in question, as a statute can only be repealed by some subsequent act of the Legislature directed to it specially, or by some general act which would necessarily embrace it within its terms. The compilation by Judge Carroll known as the Kentucky Statutes of 1903 has been adopted by the Kentucky Legislature as containing the laws of Kentucky. (See Session Acts, 1904, page 26.) But in this act it will be found that the Legislature was careful to provide that this volume might not contain all the valid laws in existence, and to guard against such a construction being placed upon the act adopting the Kentucky Statutes by Carroll, that act contains the following proviso:

"Provided, that this act shall not be construed to render valid any invalid chapter or section or part thereof embraced in said Statutes, or to amend, modify or repeal any law or part thereof now in force or effect and not included in said Statutes."

In other words, by the express provisions of the act approved February 29, 1904, by which the 1903 edition of Carroll's Statutes was adopted as the law of the State, it was expressly provided that any valid law then in effect and which he had by oversight or for other reason omitted from his compilation, was not repealed by reason of the act adopting said compilation. The legal meaning of the language used by Judge Carroll that the statute had become obsolete simply means that there was no further use for it for the time being, that it had gone into disuse, and it may be presumed for this reason Judge Carroll did not think it necessary to embrace it at length in his compilation of the Statutes of 1903. I have been unable to find any act of the Kentucky Legislature which, either by implication or expressly, repeals this provision or the act of May 8, 1897. On the other hand, in the compilation of the Kentucky Statutes made

by Judge Carroll in 1899—two years after the law was passed—he copies it in full in the body of the Statutes, and only gives as a reason for its omission in his compilation of 1903, being the last edition of the Kentucky Statutes, that it had become obsolete, and was therefore omitted.

I am compelled, therefore, to conclude that this act of May 8, 1897, is in full force and effect, and that where the conditions justify it, that the Auditor may issue an interest bearing warrant, however undesirable it might be.

I am furthermore of the opinion that an appropriation made for the purpose of defraying the expenses of any of the charitable or other institutions for the State becomes a claim against the State in the meaning of the act of May 8, 1897. At the time that this act was passed, the State of Kentucky was owing large sums of money on account of the unpaid appropriations due the various charitable and other institutions of the State, and at the same time it was indebted to various persons, such as Commonwealth's Attorneys, Circuit Judges, Jurors and other persons, in large sums of money. The charitable and penal institutions of the State were unable to obtain money at that time for the purpose of defraying the ordinary expenses of such institutions, and many of the asylums of the State and other institutions of a similar nature had been compelled to discount their non-interest bearing warrants in the banks of the State, so as to get money to pay the necessary running expenses of such institutions.

I think I would be safe in saying that the greatest amount of the indebtedness of the State of Kentucky at the time of the enactment of the act of May 8, 1897, had been created on account of warrants which had been issued by the State to run such institutions and which the State did not have the money to pay. One of the main purposes, therefore, in passing that law was to enable charitable and other institutions supported by the State to obtain money with which to run the institutions, and I do not believe that it was the

purpose of the Legislature to limit the meaning of the word "claim" so as to embrace only debts which were due to individual creditors or corporation creditors of the State, strictly speaking. But that the word "claim" was used in a broad sense embracing any demand against the Treasury of the State of Kentucky which could not then be paid by reason of a failure in revenue.

However, I would suggest that there are several very strong reasons for holding that an interest bearing warrant should not be issued to pay appropriations which are, by the terms of the act making them, payable out of the current revenues for the present fiscal year, and a person holding such a claim against the State should be required to wait until the current revenues have been collected and paid into the Treasury, and are sufficient for the purposes of meeting the appropriation out of which the claim is payable, and my advice would be that as to all such claims, you should pay the interests, unless you are compelled to do so by a judgment of court.

The view that I have expressed in this opinion, that a claim does not mean a debt due an individual or some creditor of the State, as we ordinarily speak of a debt, is fortified by the sixth subsection of the act referred to, which excepts from the provisions of the act warrants issued to pay money for common schools, taxes and appropriation to the Agricultural and Mechanical College, and the indebtedness due the Sinking Fund, and as to these, no interest bearing warrant was permitted to be issued. All other claims against the Treasury I think are clearly embraced in the law, but as heretofore stated, appropriations which were made payable out of the current revenues should not draw interest, as the Treasurer has the right to refuse to pay them until it is clearly ascertained beyond question that the current revenues will not pay such appropriations. In other words, one who holds a claim against the State, payable out of the

current revenues, must wait until such revenues can be collected and paid into the Treasury before he can compel payment.

Yours truly,

JAMES BREATHITT,
Attorney-General.

Which was received, read and adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 12, 1910.

The House was opened with prayer by the Rev. Father T. M. Major, of the Roman Catholic Church.

The reading of the journal of yesterday's proceedings was dispensed with.

Under and by virtue of a resolution adopted by the House on yesterday the Speaker announced the following appointments, viz:

Stenographer to the Chief Clerk—Chas. J. Howes.

Stenographers for the House of Representatives—Mrs. Mildred Moss, Miss Maud Applegate.

Bill Clerk—Allie Melton.

Mail Clerks—George Sutton, Herbert Lackey.

Assistants to the Door-keeper—G. O. Hoggard, Moses R. Glenn, James Edwards, Lee Robinson.

Messengers—Johnie Newman, Dudley Ragsdale, Harry Roberts, Jimmie Martin.

Porter—Wm. W. Wilson.

Mr. Brooks offered the following resolution, viz:

Resolved, That the State Librarian be directed to furnish to each member of this House a copy of both Carroll's Kentucky Statutes and Code of Practice, the same to be kept by them during the present session of the General Assembly and to be returned by them at its

conclusion or they shall have the privilege of buying said statute and code at fifty per cent of their cost price.

Said resolution was agreed to.

Mr. Porter offered the following resolution, viz:

Resolved, That the Auditor of Public Accounts be and he is hereby requested to furnish this House with a statement showing the total amount of money expended for pro tem Circuit Judges for the fiscal year ending June 30, 1908, and June 30, 1909. Let the statement show the amount expended in each Judicial District and the total amount expended in the entire State.

Said resolution was agreed to.

Mr. Pogue offered the following resolution, viz:

Resolved, That the Custodian of Public Buildings be and is directed to furnish the office of Chief Clerk a typewriting machine.

Said resolution was agreed to.

Mr. George W. Reid offered the following resolution, viz:

Whereas, the health and comfort of each member of the House of Representatives depends upon an abundance of wholesome, accessible air. Resolved, That smoking be prohibited in the House of Representatives during its sessions.

Said resolution was agreed to.

Mr. Clay moved to reconsider the vote by which said resolution was agreed to. Said motion was disagreed to. The yeas and nays being required thereon by Messrs. Schoberth and Brooks were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
Eli Berry,
J. M. Blair,
V. A. Bradley,
L. H. Carter,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
H. C. Duffy,
L. W. Francis,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
Hugh Mahin,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
G. H. Plitt,
W. A. Price,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
J. H. Williams, —38

Those who voted in the negative were—

A. H. Points,
R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
M. G. Colson,
Albert J. Counts,
W. B. Creekmore,
Wm. S. Dean,
J. H. Evans,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
Ben E. Niles,
S. P. Parks,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
J. F. Porter,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. R. Zimmerman,
—54

Mr. Waggoner offered the following resolution, viz:

In order to preserve the health of the members of this House, Resolved, That no member be allowed to chew tobacco while this House is in session.

Mr. Southall offered the following amendment, viz:

"Amend by adding the words, chewing gum or chewing the rag."

Mr. Carter moved to refer said resolution and amendment to the Committee on Public Morals.

Mr. Brooks moved to lay said motion, resolution and amendment on the table.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 13, 1910.

The House was opened with prayer by the Rev. C. R. Hudson, of the Christian Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon the call of counties and Representative Districts bills were introduced and referred as follows, viz:

By Mr. Keen:

H. B. 1. An act to amend Sections 2445 and 2447, Kentucky Statutes, and to provide Clerk hire for the Librarian of the Commonwealth.

To Committee on Public Library.

By Mr. Carter:

H. B. 2. An act to provide for a more efficient system of common schools throughout the State; to define the various parts of the educational system; to make certain general regulations for the management of the common school system; to provide for a State School Fund and the apportionment and distribution thereof; to create a State Board of Education and prescribe its powers and duties; to prescribe the qualifications, powers and duties of the State Superintendent of Public Instruction, and repealing all laws and parts of laws in conflict therewith.

To Committee on Education No. 1.

By Mr. Carter:

H. B. 3. An act to provide for the reporting and publication of the opinions of the Court of Appeals of Kentucky.

To Committee on Court of Appeals.

By same:

H. B. 4. An act to provide for holding Circuit Courts and the trial of cases therein, when from any cause the Judge shall fail to attend, or, if in attendance can not properly preside.

To Committee on Circuit Courts.

By same:

H. B. 5. An act to amend Sections 2622, 2623, 2625, 2627 and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll.

To Committee on Public Health.

By same:

H. B. 6. An act to prevent telephone corporations, their agents and employes, charging, collecting or receiving extortionate rents, tolls or compensation and empowering the Railroad Commission to make and fix reasonable rents, tolls and compensations for the services of said corporations and prescribe the manner of enforcing the provisions of this act and penalties for its violations.

To Committee on Public Utilities.

By same:

H. B. 7. An act to amend Section 606 of the Civil Codes of Practice.

To Committee on Codes of Practice.

By Mr. Reid:

H. B. 8. An act to allow bail in criminal cases while case is pending in Court of Appeals.

To Committee on Criminal Law.

By same:

H. B. 9. An act providing vacation for guards at Penitentiaries and Houses of Reform.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 10. An act to repeal Section 68a, Chapter 5, Kentucky Statutes, 1909, and being an act of the General Assembly, 1906, entitled, "An act to promote the sheep industry and to provide a tax on dogs."

To Committee on Agriculture.

By same:

H. B. 11. An act to punish fruit tree venders for the misrepresentation of the goods.

To Committee on Criminal Law.

By same:

H. B. 12. An act to regulate the summoning of juries in Circuit Courts.

To Committee on Circuit Courts.

By same:

H. B. 13. An act to compel railroads to give shippers of live stock passes.

To Committee on Railroads.

By Mr. Riherd:

H. B. 14. An act to amend Section 1944b, Chapter 57 of the Kentucky Statutes.

To Committee on Fish and Game.

By Mr. Points:

H. B. 15. An act prohibiting the running at large of stock in towns of the Sixth Class.

To Committee on Cities of Fifth and Sixth Class.

By Mr. Clay:

H. B. 16. An act to provide for the protection of game and fish.

To Committee on Fish and Game.

By same:

H. B. 17. An act to provide for the registration, identification and regulation of motor vehicles.

To Committee on Kentucky Statutes.

By Mr. Lewis:

H. B. 18. An act entitled, An act to regulate the time of holding the terms of the Circuit Court in the Twentieth Judicial District.

To Committee on Circuit Courts.

By Mr. Evans:

H. B. 19. An act to amend Chapter 58 of the session acts 1908, entitled "An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States allowing Pharmacists in a foreign State to practice pharmacy in the State of Kentucky.

To Committee on Public Health.

By Mr. Zimmerman:

H. B. 20. An act to prohibit persons, corporations or warehousemen from taking samples from tobacco without allowing compensation for same, and providing a penalty for violations of said act.

To Committee on Public Warehouses and Graneries.

By same:

H. B. 21. An act to prevent persons or corporations from stating in any deed or conveyance a false consideration and providing a penalty for violations of said act and forfeiting all interest to the State of Kentucky.

To Committee on Kentucky Statutes.

By same:

H. B. 22. An act to amend Section 6 of Kentucky Statutes, Chapter 1, relating to persons, companies or corporations, their servants and agents, or other persons causing by wrongful acts or negligence the death of another person in the Commonwealth, and to allow a recovery for death or personal injuries caused by negligence.

To Committee on Judiciary.

By same:

H. B. 23. An act making it unlawful for one person to treat or give to another person vinous or malt liquors, wines or beer or intoxicating drinks or beverages of any kind in a saloon or bar-room, or other places where strong drinks are sold by retail, or in any room or building adjoining same or connected therewith, to be drunk in said saloon, bar-room or other room, etc., and providing a penalty for violation of said act.

To Committee on Public Morals.

By same:

H. B. 24. An act allowing bail pending appeal to the Court of Appeals in all felony cases where the jury has fixed the punishment at death or confinement in the penitentiary for life.

To Committee on Criminal Law.

By Mr. Akin:

H. B. 25. An act to amend an act entitled "An act to promote the sheep industry and provide a tax on dogs," approved March 1, 1906.

To Committee on Agriculture.

By Mr. Weber:

H. B. 26. An act to amend Chapter 89 of the Kentucky Statutes entitled "Municipal Corporations."

To Committee on Cities of the Fourth Class.

By same:

H. B. 27. An act to amend an act for the government of cities of the Fourth Class approved June 28, 1893, relating to the recon-

struction of Public Ways of cities of the Fourth Class.

To Committee on Cities of Fourth Class.

By Mr. Newell:

H. B. 28. An act to amend and re-enact Subsection 4 of Section 1, Article 4, of an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, said subsection being Subsection 4 of Section 3058 of Kentucky Statutes 1903.

To Committee on Municipalities.

By same:

H. B. 29. An act to amend Section 2219 of the Kentucky Statutes providing for contracts for greater rate of interest and the remedies therefor.

To Committee on Kentucky Statutes.

By same:

H. B. 30. An act to amend an act entitled "An act to assign cities and towns of this Commonwealth to the class to which they belong, passed and approved September 30, 1892, Chapter 89, Kentucky Statutes.

To Committee on Classification of Cities and Towns.

By same:

H. B. 31. An act designating the Twelfth day of October of this year, a legal holiday, to be known as Columbus Day.

To Committee on Kentucky Statutes.

By Mr. Counts:

H. B. 32. An act to amend Article 3.

By same:

H. B. 33. An act to amend Section 1697 of the Kentucky Statutes, Carroll's, Article 15, Subdivision 1, in relation to the law of exemption.

To Committee on Kentucky Statutes.

By same:

H. B. 34. An act to repeal the charter of the town of Newfoundland in Elliott County.

To Committee on Cities of the Fifth and Sixth Class.

By same:

H. B. 35. An act to amend Section 4422, Carroll's Kentucky Statutes, by inserting after "appoint" the following, to-wit: "From each of two political parties casting the largest number of votes at the last county election," in relation to the Board of Examiners for common school certificates.

To Committee on Education No. 1.

By Mr. Southall:

H. B. 36. An act creating and establishing a Board of Commissioners to be known as the Kentucky State of Control for Charitable Institutions, and prescribing its duties and powers.

To Committee on Charitable Institutions.

By same:

H. B. 37. An act to amend an act entitled "An act for the

government and regulations of the common schools of this State," approved March 24, 1908.

To Committee on Education No. 1.

By Mr. Hunter:

H. B. 38. An act to amend Article 2, of Chapter 6 of Title 6 of the Code of Practice in criminal cases, relating to the time of trial.

To Committee on Codes of Practice.

By same:

H. B. 39. An act making it unlawful to haul a load exceeding two tons in weight on turnpike or gravel roads with a tire or tread less than three and one half inches broad.

To Committee on Public Roads.

By Mr. Shearer:

H. B. 40. An act to regulate the granting of licenses for the sale of spirituous, vinous, malt or other intoxicating liquors in this Commonwealth and making certain provisions to the expiration of such licenses.

To Committee on Public Morals.

By same:

H. B. 41. An act to amend Section 1902 of Chapter 53 of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By same:

H. B. 42. An act to amend Section 4309 of Chapter 110, Kentucky Statutes.

To Committee on County and City Courts.

By same:

H. B. 43. An act concerning dogs and repealing act approved March 1, 1906, entitled "An act to promote the sheep industry and provide a tax on dogs."

To Committee on Agriculture.

By Mr. P. W. Berkshire:

H. B. 44. An act to amend Section 965, Kentucky Statutes, relating to Circuit Courts in Sixth Judicial District.

To Committee on Circuit Courts.

By same:

H. B. 45. An act to amend Section 625, Kentucky Statutes, relating to Insurance Companies.

To Committee on Insurance.

By Mr. Welch:

H. B. 46. An act to prevent bribery of votes.

To Committee on Suffrage and Elections.

By Mr. Klair:

H. B. 47. An act to amend an act relating to interurban electric railroads and defining their powers and duties, approved March 11, 1902.

To Committee on Interurban and City Railways.

By same:

H. B. 48. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906, and abolishing the offices of Revenue Agents for the State-at-large provided therein.

To Committee on Revenue and Taxation.

By same:

H. B. 49. An act to authorize a Chief Deputy or Assistant Assessor in counties having a population of forty thousand or over and under seventy-five thousand, and providing for his compensation.

To Committee on Municipalities.

By same:

H. B. 50. An act to create and establish the Kentucky State Board of Examiners in optometry describing its duties and powers, defining and regulating the practice of optometry in this State, and prescribing penalties for violation thereof.

To Committee on Public Health.

By same:

H. B. 51. An act to authorize and regulate the recordation of agreements for pooling farm products.

To Committee on Agriculture.

By same:

H. B. 52. An act to make operative and give efficiency to Section 6 of an act of the General Assembly, 1908, approved March

16, 1908, which makes it obligatory upon the State University to establish a medical college and to make the necessary appropriations therefor.

To Committee on State University and Normal Schools.

By same:

H. B. 53. An act to provide for location, erection, organization and management in Kentucky of a State Sanatorium for the care and treatment of tuberculosis, and to make an appropriation for the purchase of the necessary land, and the construction and equipments of necessary buildings, making an appropriation for the maintenance of the Sanitorium.

To Committee on Tuberculosis.

By same:

H. B. 54. An act providing for a School Medical Inspector and fixing his duties in cities of the second class.

To Committee on Municipalities.

By Mr. Buford.

H. B. 55. An act for the benefit of delinquent tax payers in this Commonwealth.

To Committee on Revenue and Taxation.

By same:

H. B. 56. An act to authorize Fiscal Courts to provide for the completion of any incomplete sets of the official edition of the Kentucky Reports.

To Committee on County and City Courts.

By same:

H. B. 57. An act to amend and re-enact an act entitled "An act to protect game and small birds," approved March 18, 1904, being Section 1944.

To Committee on Fish and Game.

By same:

H. B. 58. An act to change the location of the department of the State University known as the College of Law, from Lexington, Kentucky. to Frankfort, Kentucky, and to provide for its maintenance from the funds of said university and to appropriate to said Law School for its use free of charge the building known as the "Old State Capitol Building" and approaches thereto on what is commonly known as the "Capitol Square" in the city of Frankfort, Kentucky. until otherwise provided and ordered by the laws of this Commonwealth.

To Committee on State University and Normal Schools.

By same:

H. B. 59. An act to appropriate Fifty thousand dollars to complete the work on the grounds of the new State Capitol.

To Committee on State Capitol.

By same:

H. B. 60. An act to establish the Central Normal School at Frankfort in the executive building near the old capitol and appropriating to repair said buildings.

To Committee on State University and Normal Schools.

By Mr. Steers:

H. B. 61. An act to limit the charge which may be made for the transportation of passengers by any corporation, firm or individual owning or operating a railroad in whole or in part within this State and providing for the transportation of baggage, making it unlawful for any person to ride as passenger without the payment of prescribed and published fares, providing for penalties for the violation of this act and repealing all laws in conflict therewith.

To Committee on Railroads.

By same:

H. B. 62. An act to prevent accidents in the use of gasoline, etc.

To Committee on Kentucky Statutes.

By same:

H. B. 63. An act to prevent double taxation and to place the burden of taxation upon the real owner of property in the form of notes secured by mortgage or purchase money, lien upon real estate.

To Committee on Revenue and Taxation.

By same:

H. B. 64. An act to exempt from taxation all bonds, notes and other evidence of interest bearing debt by the State or by any municipal corporation or by any public school and the means of instruction therewith in the State of Kentucky.

To Committee on Revenue and Taxation.

By same:

H. B. 65. An act to protect game.

To Committee on Fish and Game.

By same:

H. B. 66. An act to amend an act entitled "An act permitting warehousemen to commingle tobacco of light grades," approved March 25, 1908.

To Committee on Public Warehouses and Graneries.

By Mr. Brooks:

H. B. 67. An act to establish a sub-experiment station in Eastern Kentucky and a like station in Western Kentucky.

To Committee on Agriculture.

By same:

H. B. 68. An act for the benefit of indigent disabled Confederate Soldiers of the late war between the States and for the benefit of indigent wives or servants of Confederate soldiers of the late war between the States and fixing a penalty for speculating in same.

To Committee on Confederate Home.

By Mr. Kelsey:

H. B. 69. An act to amend Subsection 5 of Section 1403, Kentucky Statutes (Subsection 5 of Section 3821, Russell's Statutes of Kentucky).

To Committee on Kentucky Statutes.

By Mr. Williams:

H. B. 70. An act to prohibit drinking on common carriers and to provide a penalty for the same.

To Committee on Public Morals.

By same:

H. B. 71. An act for employment of labor and to prohibit the false advertisement for same and to provide a penalty for doing so.

To Committee on Immigration and Labor.

By Mr. Plitt:

H. B. 72. An act to amend Section 2618, Kentucky Statutes, relating to the practice of medicine.

To Committee on Public Health.

By Mr. Pirtle:

H. B. 73. An act to further regulate elections.

To Committee on Suffrage and Elections.

By same:

H. B. 74. An act in regard to the collection of the proceeds of any assigned policy or certificate of life insurance.

To Committee on Insurance.

By Mr. Niles:

H. B. 75. An act designating the Twelfth day of October as Columbus Day.

To Committee on Kentucky Statutes.

By same:

H. B. 76. An act to amend Chapter 21 of the Acts of 1906 entitled "An act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81 of Kentucky Statutes, entitled 'Liquors Intoxicating.'"

To Committee on Public Morals.

By Mr. Waggoner:

H. B. 77. An act to divorce the liquor trade from the grocery business.

To Committee on Public Morals.

By same:

H. B. 78. An act to amend Chapter 2 of Acts of 1906 entitled "An act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes entitled 'Liquors Intoxicating.'"

To Committee on Public Morals.

By Mr. Owings:

H. B. 79. An act providing for the destruction of the carcass of swine from cholera or other disease.

To Committee on Agriculture.

By same:

H. B. 80. An act to provide for the cutting of weeds abutting public highways.

To Committee on Internal Improvements.

By Mr. Cosgrove:

H. B. 81. An act to amend an act entitled "An act for the government of cities of the First Class, approved July 1, 1893, for the better government and administration of school system in cities of the first class and to create and perpetuate a pension or retirement fund for disabled public school teachers and to create and perpetuate a Board of Trustees for the management and conduct thereof and to pension members thereof after service of a term of years.

To Committee on Municipalities.

By same:

H. B. 82. An act to amend an act entitled "An act for the creation and regulation of private corporations, being an act relating to the subject of insurance, and the transaction of the business of life or casualty insurance or both life or casualty insurance upon the co-operative assessment plan.

To Committee on Insurance.

By Mr. Francis:

H. B. 83. An act to regulate the sale or assignment of wages, salaries, commissions, etc.

To Committee on Kentucky Statutes.

By Mr. Harris:

H. B. 84. An act making it a felony to abandon or wilfully neglect to provide for the support and maintenance by any person of his wife or of his minor children in destitute circumstances.

To Committee on Kentucky Statutes.

By Mr. Robertson:

H. B. 85. An act for relief of delinquent tax payers in this Commonwealth whose property has been sold by the State and counties and purchased by the State and counties at tax sales.

To Committee on Revenue and Taxation.

By same:

H. B. 86. An act to establish the office of Assistant Physician to the jail in counties containing a population of One hundred and fifty thousand or more.

To Committee on Municipalities.

By same:

H. B. 87. An act for lessening the period of confinement of prisoners confined in jail in cities of the first class.

To Committee on Municipalities.

By same:

H. B. 88. An act providing for the transmission of testimony from the Circuit Court to the Court of Appeals without copy.

To Committee on Judiciary.

By same:

H. B. 89. An act providing for the taking of depositions upon interrogatories in Circuit Courts of counties having more than Two hundred thousand population.

To Committee on Municipalities.

By Mr. Mahin:

H. B. 90. An act providing for an additional compensation for juries in the Circuit Courts of this Commonwealth.

To Committee on Circuit Courts.

By same:

H. B. 91. An act to repeal Section 1136, Chapter 36, of Kentucky Statutes.

To Committee on Criminal Law.

By same:

H. B. 92. An act to regulate telephone companies and require them to connect with each other.

To Committee on Public Utilities.

By same:

H. B. 93. An act to protect religious worship in assemblages known as Associations, Camp-meetings. etc.

To Committee on Public Morals.

By Mr. Turner:

H. B. 94. An act to change the terms of Court in the counties of Floyd, Pike, Johnson and Martin.

To Committee on Circuit Courts.

By same:

H. B. 95. An act to amend and re-enact Sections 4703 and 4704 of Chapter 127 of Kentucky Statutes, compiled by John D. Carroll and issued in 1903.

To Committee on Land Titles.

By same:

H. B. 96. An act to amend and re-enact Sections 1309, 1310, 1311, 1312 and 1313 of Subdivision 3 of Article 4 of Chapter 36 of the Kentucky Statutes relating to the carrying of concealed deadly weapons.

To Committee on Criminal Law.

By Mr. McVean:

H. B. 97. An act for the protection of life and property against loss and damage from the operations of steam boilers in this State and to provide for the inspection of steam boilers and to create the office of Steam Boiler Inspector.

To Committee on Immigration and Labor.

By same:

H. B. 98. An act to regulate the business of insuring or guaranteeing burial expense.

To Committee on Corporate Institutions.

By same:

H. B. 99. An act creating the office of District Detective to the Commonwealth Attorney in all counties of this Commonwealth having cities of the second class.

To Committee on Municipalities.

By Mr. Price:

H. B. 100. An act to provide for conducting the law business of the second class cities.

To Committee on Municipalities.

By same:

H. B. 101. An act exempting personal property from execution, garnishment, attachment or other like writ.

To Committee on Kentucky Statutes.

By same:

H. B. 102. An act to amend Chapter 89, Article 3, Section 3055 of the Kentucky Statutes.

To Committee on Municipalities.

By same:

H. B. 103. An act to regulate insurance upon property.

To Committee on Insurance.

By same:

H. B. 104. An act to establish a State Board of Forestry prescribing its duties and for conserving the forests and water supply of the State and appropriating therefor.

To Committee on Forestry.

By same:

H. B. 105. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in first and third class cities.

To Committee on Municipalities.

By Mr. Meyers:

H. B. 106. An act relating to the holding of Circuit Courts having therein cities of the second and third class.

To Committee on Municipalities.

By same:

H. B. 107. An act to amend Section 1847, Kentucky Statutes, edition 1909, and to provide for temporarily filling the office of County Commissioner.

To Committee on Municipalities.

By Mr. Moss:

H. B. 108. An act defining the crime of abortion and prescribing a penalty therefor.

To Committee on Criminal Law.

By Mr. Taylor:

H. B. 109. An act to amend Section 1157a of the Kentucky Statutes edited by John D. Carroll and the edition of 1903, relating to holding persons for ransom.

To Committee on Criminal Law.

By Mr. Bertram:

H. B. 110. An act to repeal an act to promote the sheep industry and provide a tax on dogs.

To Committee on Agriculture.

By Mr. Shanks:

H. B. 111. An act regulating libel and civil proceedings thereunder.

To Committee on Codes of Practice.

By same:

H. B. 112. An act to perfect the titles and to aid and simplify abstracting same.

To Committee on Judiciary.

By Mr. W. V. Perry:

H. B. 113. An act to amend Section 3490, Subsection 22 of the Kentucky Statutes relating to charters of cities of the Fourth Class.

To Committee on Cities of the Fourth Class.

By Mr. Herrington:

H. B. 114. An act to repeal Sections 2487, 2488, 2489, 2490 and 2491 of Carroll's Kentucky Statutes, 1909, relating to the lien of employees and material men in property assigned for benefit of creditors.

To Committee on Judiciary.

By same:

H. B. 115. An act to regulate the admission of attorneys to practice law in this Commonwealth.

To Committee on Judiciary.

By Mr. Graves:

H. B. 116. An act qualifying and enabling women to vote for the election of school trustees and other school officers chosen by the people except such officers as women may be disqualified from voting for by the Constitution.

To Committee on Suffrage and Elections.

By same:

H. B. 117. An act to amend Civil Codes of Practice and define order of Courts sustaining a motion to quash process of summons to be final order for the purpose of an appeal therefrom.

To Committee on Codes of Practice.

By same:

H. B. 118. An act relating to the time, manner and mode of probating wills.

To Committee on Kentucky Statutes.

By Withers:

H. B. 119. An act to amend and re-enact and supplement Section 495 of the Kentucky Statutes, being Section 1 of an act enabling an act to amend and re-enact Section 6 of an act entitled "An act concerning conveyances," approved April 22, 1893, and being Section 495 of the Kentucky Statutes, approved March 21, 1904.

To Committee on Judiciary.

By same:

H. B. 120. An act to amend and re-enact Section 37 of an act entitled "An act to amend and re-enact Article 3 of an act entitled 'An act relating to husband and wife,' and entitled husband and wife," approved May 16, 1893, approved March 15, 1894.

To Committee on Judiciary.

By same:

H. B. 121. An act to amend Section 21, Chapter 1, Title 3, Civil Code of Practice, providing for the bringing of actions by persons acting for others.

To Committee on Codes of Practice.

By Mr. Chinn:

H. B. 122. An act for the Kentucky Normal and Industrial Institute for colored persons.

To Committee on State University and Normal Schools.

By Mr. Allbright:

H. B. 123. An act to repeal an act entitled "An act to promote the sheep industry and provide a tax on dogs," approved March 11, 1906.

To Committee on Agriculture.

By Mr. Brown:

H. B. 124. An act to amend and re-enact Section 3681, Kentucky Statutes, Carroll's edition, 1909, and enact Subsection 3681a, providing for the appointment or election of town marshals in Sixth Class towns.

To Committee on cities of the Fifth and Sixth Class.

By Mr. Clore:

H. B. 125. An act relating to carriers and punishment fixing a penalty for any person who shall drink intoxicating liquors or be drunk or disorderly upon any public common carrier or in or about any depot, station, ticket office, waiting room or platform of same, fixing the venue of the prosecution for the violation of same and providing that officers and agents of common carriers may arrest violaters.

To Committee on Public Morals.

By same:

H. B. 126. An act providing a pension for Confederate Soldiers.

To Committee on Confederate Home.

By Mr. Colson:

H. B. 127. An act to extend the distribution of State publications.

To Committee on State University and Normal Schools.

By same:

H. B. 128. An act to amend the common school law of Kentucky and provide for payment of teachers.

To Committee on Education No. 2.

By same:

H. B. 129. An act to provide for the employment of a check

way-man or the check-measurer for the benefit of persons working in mines.

To Committee on Mines and Mining.

By same:

H. B. 130. An act to amend Subsection 3 of Section 2739b of the Kentucky Statutes relating to mines and mining.

To Committee on Mines and Mining.

By Mr. Bradley:

H. B. 131. An act to amend and re-enact Subsections 5 and 6 of Section 13 of the Code of Practice in criminal cases, being entitled jurisdiction of various courts.

To Committee on Codes of Practice.

By same:

H. B. 132. An act for the regulation of fire insurance companies doing business in this State, requiring such companies to file rate schedules with Insurance Commissioners, providing methods for the change of such rate and providing penalties for failure of such companies or officers of such companies to comply with this act.

To Committee on Judiciary.

By same:

H. B. 133. An act to amend and re-enact Section 2463 of the Kentucky Statutes entitled "Mechanics and Material Men," which became a law February 25, 1893.

To Committee on Judiciary.

By Mr. Holland:

H. B. 134. An act to regulate the testing of dairy cows for tuberculosis and prohibiting the sale of milk not tuberculin tested and of milk products from the milk of cows not tuberculin tested.

To Committee on Agriculture.

By Mr. Claypool:

H. B. 135. An act to declare lawful agreements to abstain from growing crops of any kind for any definite period.

To Committee on Agriculture.

By Mr. Russell:

H. B. 136. An act amending Section 74, Title 5, of the Civil Code of Practice.

To Committee on Codes of Practice.

By Mr. Lackey:

H. B. 137. An act to establish a bureau of vital statistics to provide for immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths and burials and removal permits requiring prompt returns to the bureau of vital statistics as required to be established by the State Board of Health, to provide for the reporting of morbidity statistics and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing for certain penalties.

To Committee on Public Health.

By Mr. Hines:

H. B. 138. An act to amend an act amending Section 965 of the Kentucky Statutes relating to the time of holding Circuit Court in the Eighth Judicial District which amendment was approved March 17, 1896.

To Committee on Circuit Courts.

By same:

H. B. 139. An act to require dental hygiene to be taught in all schools supported in whole or in part by the State.

To Committee on Education No. 1.

By same:

H. B. 140. An act to amend Section 3467, Kentucky Statutes, in regard to cities of the Third Class.

To Committee on Municipalities.

By same:

H. B. 141. An act to amend Section 3369, Kentucky Statutes relating to cities of the Third Class.

To Committee on Municipalities.

By same:

H. B. 142. An act to amend Section 2054, Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

To Committee on Public Health.

By same:

H. B. 143. An act creating the office of State Game and Fish

Warden and defining their powers and duties and fixing compensation for such officers and for the further protection and preservation of fish, game and birds.

To Committee on Fish and Game.

By same:

H. B. 144. An act to provide for the establishment of sewer system in cities of the Third Class by ordinance granting a franchise to construct, maintain and operate such system on or under public streets and alleys in such cities and providing for parties granted such franchise to exercise the State right of eminent domain where deemed necessary to use private property for such purpose and declaring an emergency.

To Committee on Municipalities.

By same:

H. B. 145. An act to repeal Section 1136, Chapter 36 of the Kentucky Statutes and to substitute therefor.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 146. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth" which became a law March 5, 1898.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 147. An act to amend and re-enact Section 20 of Chapter 65a of Kentucky Statutes of 1903 to provide for the maintenance

of the House of Reform for boys and the House of Reform for girls and the inmates thereof and to provide for the payment into the State Treasury of the revenues derived from the said Houses of Reform.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 148. An act to repeal an act entitled "An act concerning the parole of convicts" approved March 24, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903, to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiary, Houses of Reform and State Reformatories of Kentucky, to provide for the employment, care and supervision of such persons while so on parole and that end for the appointment of an employment agent, define his duties and fix his compensation and to further provide for the final discharge by the said Board of paroled prisoners who shall have been obedient to the terms of their parole.

To Committee on State Prisons and Houses of Reform.

By Mr. Porter:

H. B. 149. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

To Committee on Revenue and Taxation.

By same:

H. B. 150. An act to provide for the payment of jurors not accepted for jury service.

To Committee on Circuit Courts.

By Mr. Schoberth:

H. B. 151. An act to further regulate assessment fire insurance companies.

To Committee on Insurance.

By same:

H. B. 152. An act to amend Section 702 of the Kentucky Statutes touching the organization and conduct of assessment or co-operative fire insurance companies.

To Committee on Insurance.

By same:

H. B. 153. An act appropriating money to pay for the erection of buildings and other improvements upon the State Fair Grounds and to purchase additional land for the use of the State Fair.

To Committee on State Fair.

By Mr. Shanks:

H. B. 154. An act to authorize any railroad company operating a railroad in the State to transport passengers, baggage or freight carried by it on its railroad across any stream within the limit or bordering upon this State or authorize any such railroad company to obtain a franchise for the carrying of a general ferry business.

To Committee on Railroads.

The Speaker laid before the House the following communication, viz:

KENTUCKY STATE LIBRARY,
FRANKFORT.
January 12, 1910.

To the House of Representatives,
HON. GEORGE WILSON, Speaker.

MR. SPEAKER: I am in receipt of your communication of even date inclosing a copy of a resolution adopted by the House directing me to furnish each member of the House a copy of Carroll's Kentucky Statutes and Codes of Practice.

In reply will say:

On rulings of the Auditor of Public Accounts, acting under court decisions, this resolution must take the course of a bill, before I am able to carry out your directions, and meet the expense incident thereto. The Senate has passed a similar resolution.

I would suggest you follow a similar resolution adopted at the last session providing for Statutes and Codes for both the House and the Senate, for that session, by a joint resolution.

Awaiting your commands, I beg to remain,

Yours very truly,

FRANK K. KAVANAUGH,
State Librarian.

Mr. Klair sent to the Clerk's desk and had read the following announcement, viz:

The members of the Legislature are invited, by the Lexington Commercial Club, to attend a mass meeting of the citizens of Lexington to be held at the court-house in Lexington, Ky., on Saturday night, January 15, 1910, at 7:30 o'clock P. M., at which meeting will

be considered and discussed the commission form of government for second class cities of Kentucky.

The Lexington Commercial Club has arranged for a number of prominent speakers who are close students of this progressive plan of municipal and desires the presence at said meeting of as many as possible of the members of the Legislature.

The Club has arranged with Blue Grass Traction Co. for a special car to leave Frankfort at 3:30 P. M. that night. Each member will be requested to avail himself of tickets for transportation and entertainment at Lexington, which tickets will be placed on his desk immediately.

Mr. Carter moved that said invitation be accepted.

Said motion was agreed to.

Mr. Carter moved that Ex-Lieutenant-Governor Wm. P. Thorne be invited to address the House of Representatives.

Said motion was agreed to.

Thereupon the Speaker presented to the House Ex-Lieutenant-Governor Thorne who addressed the House in a very instructive and pleasing and entertaining manner.

The thanks of the House were then returned to the said Ex-Governor Wm. P. Thorne.

Mr. Herrington offered the following resolution, viz:

Whereas, the General Assembly has decided to engage two stenographers for the assistance of the members of the House of Representatives in the performance of their Legislative duties; and,

Whereas, said stenographers are in need of suitable quarters,

stationery and other supplies for the efficient and proper performance of their duties; therefore,

Be it resolved by the House of Representatives, That the Custodian of the building be directed to set apart suitable rooms on the third floor of the building for said stenographers and that they be supplied by the Librarian with sufficient and suitable stationery and other supplies for the proper discharge of their duties, and that same be paid for out of the General or Contingent Fund.

Said resolution was agreed to.

Mr. P. W. Berkshire offered the following resolution, viz.:

Resolved, that the Secretary of State, Ben L. Bruner, is hereby requested to furnish to the House of Representatives, of Kentucky, a tabulated statement of the official returns filed in his office of the votes of each county of the State at the recent election under the act of the last General Assembly to amend Section 177 of the constitution relative to the right of the Legislature to give, loan or pledge the credit of the Commonwealth in the construction of county roads, and if it shall appear that the vote of any county was omitted from the count of such vote by the Election Commissioners he will give the vote of said county upon the question and also the date when the official returns of such vote was received in his office from the county.

Said resolution was agreed to.

The Speaker laid before the House the following communication, viz.:

STATE OF KENTUCKY,
OFFICE AUDITOR OF PUBLIC ACCOUNTS,
FRANKFORT.

January 12, 1910.

To the House of Representatives of Kentucky:

Gentlemen:

In compliance with the resolution of the House of Representatives of date January 12, 1910, a copy of which is hereto attached, I submit the following statement. This information is obtainable from Auditor's report, pages 36 and 248.

District.	1908.	1909.
Second	$486.40	$271.00
Third	84.00	198.20
Fourth	189.00	129.60
Fifth	-----	16.00
Sixth	242.40	339.80
Seventh	162.30	28.00
Eighth	-----	352.60
Ninth	312.00	406.40
Tenth	607.30	346.20
Eleventh	80.00	24.00
Twelfth	339.40	251.60
Thirteenth	836.40	96.00
Fourteenth	797.40	183.80
Fifteenth	192.56	323.80
Sixteenth	61.00	-----
Seventeenth	304.00	16.00
Eighteenth	-----	13.20
Nineteenth	101.00	154.00
Twentieth	327.00	142.60

Twenty-first	$164.24	$97.00
Twenty-third	1,047.80	1,075.60
Twenty-fourth	308.40	427.60
Twenty-fifth	-----	74.00
Twenty-sixth	2,343.00	3,899.54
Twenty-seventh	986.00	1,478.60
Twenty-eight	1,040.40	358.00
Twenty-ninth	8.00	258.00
Thirtieth	1,112.00	480.00
Thirty-first	260.00	358.00
Thirty-second	607.74	895.00
Thirty-third	232.00	673.00
Total	$13,231.74	$13,367.14

Respectfully submitted,

F. P. JAMES, Auditor.

Which was received and read.

Mr. Porter moved that One hundred and fifty copies of said communication be printed for the use of the members of this House.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 14, 1910.

The House was opened with prayer by the Rev. Father T. M. Major of the Roman Catholic Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

The Speaker laid before the House the following communication, viz:

COMMONWEALTH OF KENTUCKY,
OFFICE SECRETARY OF STATE,
FRANKFORT.

To the General Assembly of the Commonwealth of Kentucky,

GENTLEMEN: Pursuant to resolutions passed by both the Senate and House requesting tabulated copies of the returns of the November election, 1909, on the amendment to Section 77 of the Constitution of Kentucky I beg to submit the following:

Table number 1 attached hereto gives the vote as certified from 95 counties of the Commonwealth which were canvassed by the State Election Commissioners on November the 23d, the same being the tabulation which was published by the Secretary of State in the Louisville Herald and Louisville Courier-Journal, December 2, 1909, copies of which papers with the publication as above stated are hereto attached as exhibits 2 and 3.

Exhibit number 4 gives the returns from the nine counties which have reported since November 23d, as follows: Clay, Estill, Grayson, Knott, Lee, Mercer, Oldham, Simpson and Whitley. The returns from

Clay are irregular, not properly signed, and the returns from Estill are simply a telegram, while the returns from Simpson are simply a letter from the County Clerk, the other six being in regular form.

The following fifteen counties have never as yet made any return to this office of the votes cast for and against said amendment: Adair, Ballard, Calloway, Crittenden, Gallatin, Green, Johnson, Knox, Lincoln, Menifee, Morgan, Pendleton, Shelby and Union.

Under the circumstances, I feel that I would not do myself justice as an official of the great Commonwealth of Kentucky did I not respectfully request your Honorable Bodies to appoint a committee to examine the returns on file in the office of the Secretary of State as of the November election, 1909, for and against said amendment.

Very respectfully submitted this January the 14, 1910.

BEN L. BRUNER,
Secretary of State.

Said communication was read and ordered to be filed.

(The exhibits accompanying said communication should be published in the documents.)

Mr. Klair moved that said communication and accompanying exhibits be referred to the Committee on Constitutional Amendment.

Said motion was agreed to.

Mr. Holland offered the following resolution, viz:

Be it resolved by the House of Representatives, the Senate concurring, that the joint committees of the House and Senate on Charitable Institutions be and they are hereby directed to investigate the condition, management and control of the Charitable Institutions of the State; the committee of the House on State Prisons and Houses

of Reform and the committees of the Senate on Penitentiaries and Houses of Reform, acting jointly, be and they are hereby directed to investigate the condition, management and control of the State Penitentiaries and Houses of Reform; that the joint committees of the House and Senate on Military Affairs be and they are hereby directed to investigate the condition, management and control of the Adjutant-General's Department.

The said committees in conducting the investigations hereby directed are hereby given the power and authority to summon witnesses, compel their attendance and the production of books, records and documents, and to incur the expenses necessary to the thorough investigation of the respective departments referred to them for investigation. They shall report the result of their investigations to the House and Senate, accompanied with such recommendations as to them may seem proper.

By unanimous consent of the House said resolution was taken up for consideration and agreed to.

Mr. Zimmerman offered the following resolution, viz:

H. R. 8. Resolution calling on Auditor and Custodian for number of employees about old Capitol and new Capitol.

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts and the Custodian of Public Buildings report to this body the number of persons employed as janitors, ground-keepers, porters, scrubbers, etc., in and about the old Capitol and State buildings for one year past prior to the abandonment of said buildings and the total number employed in and about the new Capitol since it has been in use.

Ordered that said resolution be placed on the Clerk's desk.

Mr. Lackey offered the following resolution, viz:

H. Res. 9. A resolution in regard to furniture in the old Capitol building.

Be it resolved by the House of Representatives, the Senate concurring, therein, That owing to the many sacred memories that cluster about the old Capitol building and the old furniture in it that the Custodian of the building be, and is, hereby directed to retain all of the furniture in the House and Senate, not heretofore sold, for the purposes for which the State may hereafter direct.

Ordered that said resolution be placed on the Clerk's desk.

Mr. Klair called up for consideration from the Clerk's desk the following resolution, viz:

S. Res. 3. Resolution concerning the State University and Carnegie Foundation.

Whereas, Mr. Andrew Carnegie has made provision for the admission of State Colleges and Universities as beneficiaries of the Carnegie Foundation for the advancement of teaching, on the conditions following, viz:

First. That the Board of Trustees of the State College or University which desires to become a beneficiary make formal application to the Carnegie Foundation for the advancement of teaching to be placed upon the list of beneficiaries thereof.

Second. That this application receive the formal sanction and endorsement of the Governor of the State in which the Institution is established.

Third. That the application thus made by the Board of Trustees and endorsed by the Governor shall receive the assent and approval of the Legislature of the State within whose boundries the College or University is established.

And whereas, the first and second of these conditions have been complied with, viz: Formal application by the Board of Trustees of the State University, situated in Lexington, Kentucky, and owned and controlled by the Commonwealth of Kentucky; and the sanction and endorsement of his Excellency, Augustus E. Willson, Governor of Kentucky:

Therefore, Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the General Assembly now in session at Frankfort, the seat of government of this Commonwealth, do hereby approve and sanction the action of the Board of Trustees of date December 8, 1908.

2. That a certified copy of this resolution be sent to Dr. Henry S. Pritchett, President of the Carnegie Foundation for the Advancement of Teaching, 576 Fifth Avenue, New York City, New York.

Said resolution was concurred in.

Mr. Waggoner moved that when this House adjourn to-day it be to meet again on Monday, January 17, 12 o'clock meridian.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 17, 1910.

The House was opened with prayer by the Rev. J. S. Sims, of the Methodist Episcopal Church, South.

Mr. Shanks, Speaker Pro Tem, presided.

The reading of the Journal of the proceedings of Friday last, the 14th inst., was dispensed with.

Upon a call of the counties and Representative Districts bills were introduced and referred and ordered printed as follows, viz:

By Mr. Carter:

H. B. 155. An act creating a State Board of Law Examiners and prescribing their powers and duties and regulating the issual of licenses to attorneys-at-law.

To Committee on Judiciary.

By same:

H. B. 156. An act creating a County Text Book Commission to adopt for use in the county schools of each county in this Commonwealth a uniform series of text books, regulating the prices thereof, defining the powers and duties of said Commission and the method of selection of such text books and distribution, and prescribing penalties for the violation of this act.

To Committee on Education No. 1.

By Mr. Reid:

H. B. 157. An act to make it a penitentiary offense to steal a skiff.

To Committee on Criminal Law.

By Mr. Lewis:

H. B. 158. An act to set apart an arbor and bird day.

To Committee on Education No. 1.

By Mr. Pittman:

H. B. 159. An act to appropriate $3,000.00 to enable the Commissioners of the Perryville Confederate Monument to purchase additional ground.

To Committee on Public Monuments and Historical Records.

By Mr. Zimmerman:

H. B. 160. An act compelling parents, guardians or other persons having control of children between the ages of seven and fourteen years of age to send said children to school and providing a truant officer in each county.

To Committee on Education No. 2.

By same:

H. B. 161. An act to provide a system for the assessment, levy and collection of taxes in towns of the sixth class.

To Committee on Cities of the Fifth and Sixth Class.

By same:

H. B. 162. An act relating to the duties of County Surveyors

and amending Section 2 of Chapter 108 of March 24, 1904, defining duties of county surveyors.

To Committee on County and Circuit Courts.

By same:

H. B. 163. An act permitting Chas. Carroll to sue the State for a fee not exceeding $500.00 for legal services performed.

To Committee on Kentucky Statutes.

By Mr. Faris Roberts, Jr.:

H. B. 164. An act to amend and re-enact Sections 68a, 1 and 2 of Carroll's compilation of the Kentucky Statutes, 1909 edition.

To Committee on Agriculture.

By Mr. Welch:

H. B. 165. An act to amend Section 1303 of the Kentucky Statutes, relating to liquors, selling illegally.

To Committee on Public Morals.

By Mr. Klair:

H. B. 166. An act to repeal and amend Sections 2016, 2020, 2021 and 2023 of Chapter 61 of Kentucky Statutes, Carroll's Edition 1909.

To Committee on Kentucky Statutes.

By same:

H. B. 167. An act to provide for the improvement and development for the live stock, agricultural and kindred interests by the

establishment and maintenance of an additional State Fair at Lexington, Kentucky.

To Committee on State Fair.

By same:

H. B. 168. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal Institutions of this Commonwealth" which became a law March 5, 1898.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 169. An act for the protection of owners and keepers of hotels, creating liens on certain property and providing for the enforcement of the provision thereof, and limiting the liability of hotel keepers, and for sale of unclaimed baggage, requiring hotel keepers' receipts or checks for baggage, no liability in case of fire or overwhelming force.

To Committee on Kentucky Statutes.

By Mr. Buford:

H. B. 170. An act authorizing the Judge of the Franklin Circuit Court to appoint a Commissioner of the State Fiscal Court.

To Committee on Kentucky Statutes.

By Mr. Brooks:

H. B. 171. An act to amend Section 1741 of the Kentucky Statutes with reference to the taking of depositions in shorthand.

To Committee on Kentucky Statutes.

By same:

H. B. 172. An act creating the office of Assistant Commonwealth's Attorney in those Judicial Districts embracing not less than five counties and having not less than two hundred and seventy-five judicial days allotted by law for holding Circuit Courts therein.

To Committee on Judiciary.

By Mr. Williams:

H. B. 173. An act to provide for the protection of men regularly employed in the construction and repair of railroad equipment during inclement weather and providing a penalty for the violation thereof.

To Committee on Railroads.

By same:

H. B. 174. An act regulating the use of steam boilers on railroad locomotives and creating the office of Inspector of Boilers.

To Committee on Railroads.

By same:

H. B. 175. An act for the better regulation of railroads and to better protect the lives of railroad employees and the traveling public and providing for the penalty for the violation thereof.

To Committee on Railroads.

By same:

H. B. 176. An act concerning railroad locomotives and head lights for same.

To Committee on Railroads.

By Mr. Pirtle:

H. B. 177. An act to empower the Superintendent of Public Instruction to conduct conferences of County Superintendents to pay the expenses of the County Superintendents incurred attending these conferences.

To Committee on Education No. 1.

By Mr. Letterle:

H. B. 178. An act for the benefit of the Kentucky Institution for the Education of the Blind.

To Committee on Charitable Institutions.

By Mr. Cosgrove:

H. B. 179. An act to amend Section 1708 of the Kentucky Statutes concerning homesteads.

To Committee on Kentucky Statutes.

By same:

H. B. 180. An act to amend Section 1764 of Chapter 47 of the Kentucky Statutes, Carroll's Edition of 1903, entitled "Fees."

To Committee on Kentucky Statutes.

By same:

H. B. 181. An act to amend Section 885 of the Kentucky Statutes edited by John D. Carroll and issued in 1903.

To Committee on Kentucky Statutes.

By Mr. Francis:

H. B. 182. An act for the promotion of agriculture and horticulture among the negroes.

To Committee on Agriculture.

By Mr. Huffaker:

H. B. 183. An act to amend the school law and to create branch of education and to determine their duties in cities of the First Class.

To Committee on Municipalities.

By same:

H. B. 184. An act giving power to certain counties to supplement the salaries of certain public officers and to ratify their action in respect thereto.

To Committee on Circuit Court.

By Mr. Harris:

H. B. 185. An act making the act of wife beating a misdemeanor, and inflicting punishment therefor.

To Committee on Criminal Courts.

By Mr. Robertson:

H. B. 186. An act to further regulate certain kinds of insurance business and providing penalties for its violation.

To Committee on Insurance.

By same:

H. B. 187. An act to amend and re-enact Section 32, Article 2, Chapter 22 of an act entitled "An act relating to revenue and taxation,"

which became a law March 15, 1907, and relating to compensation allowed assessors and to re-enact said section as amended.

To Committee on Municipalities.

By Mr. Turner:

H. B. 188. An act to provide for a more efficient system of common schools, to create graded school districts and to repeal all acts in conflict therewith.

To Committee on Education No. 1.

By Mr. McVean:

H. B. 189. An act to regulate the admission of attorneys to practice law.

To Committee on Judiciary.

By Mr. Price:

H. B. 190. An act to amend Section 625 of the Kentucky Statutes relating to Insurance.

To Committee on Insurance.

By Mr. Meyers:

H. B. 191. An act to amend Section 2317, Kentucky Statutes relating to liens on lands.

To Committee on Judiciary.

By Mr. Creekmore:

H. B. 192. An act creating the County of Wilson.

To Committee on State Capitol.

By Mr. Shanks:

H. B. 193. An act providing for the uniform accounting and inspection of public offices in Kentucky.

To Committee on Judiciary.

By Mr. Herrington:

H. B. 194. An act for the benefit of the State University, Eastern Normal School and Western Normal School.

To Committee on State University and Normal Schools.

By same:

H. B. 195. An act empowering the executive council of the State Normal School to extend the course of study and the requirements for an advance certificate.

To committee on State University and Normal Schools.

By same:

H. B. 196. An act to make all parties holding any interest in property sought to be condemned necessary parties defendant to the condemnation proceedings.

To Committee on Codes of Practice.

By same:

H. B. 197. An act to charge any person, firm or corporation, inducing persons under contract with orders to violate the contract, with joint liability for any damages resulting from the breach of the contract.

To Committee on Judiciary.

By same:

H. B. 198. An act to amend Section 500 of the Kentucky Statutes, 1909, relating to the recording of contract concerning land.

To Committee on Kentucky Statutes.

By Mr. Graves:

H. B. 199. An act to amend Sections 524 and 526, Chapter 30, Kentucky Statutes entitled "Convict made goods, coal and coke."

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 200. An act to provide for a more efficient system of schools throughout the State to create County Boards of Education and to provide for the government and regulation of the common schools.

To Committee on Education No. 2.

By Mr. Holland:

H. B. 201. An act to amend Subsection 2 of Section 761 of the Civil Codes of Practice.

To Committee on Codes of Practice.

By same:

H. B. 202. An act to repeal Subsection 8 of Section 606 of the Civil Code of Practice.

To Committee on Codes of Practice.

By Mr. Claypool:

H. B. 203. An act to provide for the renewal of franchises for furnishing public utilities in cities of the First Class.

To Committee on Public Utilities.

By Mr. Schoberth:

H. B. 204. An act to display the United States flag on school houses.

To Committee on Kentucky Statutes.

By Mr. Shanks:

H. B. 205. An act to amend Section 98 of the Kentucky Statutes.

To Committee on Judiciary.

And then the House adjourned.

TUESDAY, JANUARY 18, 1910.

The House was opened with prayer by the Rt. Rev. Chas. C. Penick, of the Protestant Episcopal Church.

Mr. Shanks presiding as Speaker pro tem.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Russell offered the following resolution, viz:

Whereas, there has been introduced in the House of Representatives of the Congress of the United States, by Hon. J. Campbell Cantrill, representing the Seventh Congressional District of the State of Kentucky, a bill to amend the Act of Congress approved July 2, 1890, which proposed a mandatory bill is in words and fifures as follows, viz:

"An act to amend an act entitled an act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, and being Chapter 647, Vol. 26, United States Statutes at large.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled an act to protect trade and monopoly, approved July 2, 1890, and being Chapter 647, of Volume 26, of the United States Statutes at large, be amended by adding to the last Section of said act the following: 'The provisions of this act shall in no case apply to any contract or combination in any form the purpose of which is to secure to laborers or employees a reasonable compensation for their labor nor to any contract or combination in any form the purpose of which is

to secure to growers or producers of agricultural products or live stock a reasonable price therefor, but such contracts and combinations are expressly exempted and excepted from the provisions.' "

Now therefore, Resolved by the General Assembly of the Commonwealth of Kentucky;

1. That we hereby express our approval of said proposed amendatory bill and the desire that the same may be enacted into law of the United States.

2. That we hereby instruct our Senators, and request our Representatives in Congress from the State of Kentucky to vote for said bill and to do all in their power to have same enacted into law.

3. That a copy of these resolutions be certified by the Chief Clerk of the Senate and House of Representatives and sent to each of our Senators and Representatives in Congress.

Said resolution was adopted.

Mr. Berkshire moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Clay moved that when this House adjourned to-day it be until to-morrow at eleven o'clock A. M.

Said motion was agreed to.

Mr. Withers offered the following resolution, viz:

Whereas, those members who have pet measures now pending before this body, are showing an alarming uneasiness concerning the disposition of those measures since their delivery to the Public Printer;

Resolved, That a committee of three members be appointed by the Speaker to make proper inquiry and investigation concerning same and all other bills which have been referred to the Public Printer and report to the House the result of their investigation not later than Thursday.

Said resolution was agreed to.

The Speaker thereupon appointed as said committee Messrs. Withers, Steers and Niles.

Mr. Zimmerman called up for consideration from the Clerk's desk a resolution heretofore offered by him.

(See House Journal January 14th, ante.)

Mr. Zimmerman offered the following amendment to said resolution by way of substitute therefor, viz:

H. Res. 8. Resolution calling on Auditor and Custodian for number of employees about the old Capitol and new Capitol and their compensation.

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts and the Custodian of Public Buildings be and they are hereby directed to furnish the General Assembly with a statement showing the number of persons employed as ground-keepers, janitors, porters, scrubbers, etc., in and about the old Capitol, executive offices and State buildings during the year 1907 and the compensation of each of said persons; and the number employed in a like capacity at the old Capitol and in and about the State buildings from December 31, 1907, to the date of the abandonment of the old buildings and their compensation; and the number employed in like capacity in and about the new Capitol from the date of its occupancy to January 19, 1910, and the compensation of each of said persons.

Said substitute was adopted.

Said resolution as amended by said substitute was adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 19, 1910.

The House was opened with prayer by the Rev. J. S. Sims, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterday's proceeding was dispensed with.

Mr. Waggoner offered the following resolution, viz:

Be it resolved, That the House of Representatives send a committee of three, to be appointed by the Speaker, to congratulate Gov. Conn Linn for this body and to inform him that we await any message he desires to communicate to this House.

Said resolution was agreed to.

Thereupon the Speaker appointed upon said Committee Messrs. Waggoner, J. W. Berkshire, Steers and Turner.

Mr. Newell offered the following resolution, viz:

Whereas, the members of the House desire wholesome air, etc.;

Be it resolved, That some provision be made to filter the water in this building during this session of the House.

Said resolution was agreed to.

Mr. Withers of the Special Committee appointed under resolution adopted on yesterday offered the following report, viz:

To the Members of the House of Representatives of the Commonwealth of Kentucky,

GENTLEMEN: Your committee appointed on yesterday to make inquiry concerning the printing of bills, beg to submit the following report:

Pursuant to the resolution of yesterday we called upon the Commissioner of Public Printing who kindly gave us full information concerning the disposition of the bills introduced to date and ascertained the following facts, some of which the members are cognizant, but about which we deemed it best to refresh their memory.

First. The Commissioner of Public Printing has heretofore let the entire contract for printing to the Continental Printing Company, of which Mr. Bacon is the representative.

Second. Upon receipt of the bills from the Clerk of the House the Commissioner of Printing turns them over to the contractor who receipts for same and he is then the person responsible for the speedy printing of same.

Third. Of the bills introduced Thursday last, thirty-three were returned to the Commissioner yesterday and thirty-six will be returned to him to-day, making a total of sixty-nine out of one hundred and fifty-four introduced.

Fourth. The Contractor has distributed the bills among six firms, two of whom are located here and two in Louisville.

Fifth. The bills which are ready for distribution to-day are all from the local firms who seem to be admirably equipped for speedy work.

Sixth. The bills sent to Louisville have not been heard from.

Seventh. There still remain some bills introduced Thursday which have not been sent to the press.

Eighth. Some delay has been caused by all bills being held until it was ascertained whether or not a duplicate was introduced in the Senate. This is done to save considerable compository work and possibly saves a little time so far as the duplicate, themselves are concerned.

Ninth. There has been no unreasonable delay so far as the actual return to the House is concerned but there probably will be in the case of a considerable number of bills.

We find from our investigation that numerous difficulties are encountered in doing this work and the gentlemen have the printing in charge are disposed to facilitate the work as much as possible, but we desire to recommend to them that they place more bills with those firms who do the quickest work, the quality of same, to be up to the standard.

We would further recommend to the members of this House that when they introduce a bill, a duplicate of which has, or will be introduced in the Senate, they make an endorsement upon same, showing that fact so that the search for duplicates will not delay other bills.

Respectfully submitted,

L. FRANK WITHERS, Chairman.
JNO. S. STEERS,
BEN E. NILES.

Which was received, read and ordered to be filed.

Mr. Brooks moved that the House do now take a recess for fifteen minutes and that they proceed in a body to wait upon and congratulate Acting Governor Conn Linn.

Said motion was agreed to.

At the expiration of fifteen minutes the House was reconvened.

Mr. Mahin moved that the House do now adjourn until to-morrow eleven o'clock A. M.

Said motion was agreed to.

THURSDAY, JANUARY 20, 1910.

The House was opened with prayer by the Rt. Rev. C. C. Penick, of the Protestant Episcopal Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had concurred in a resolution which originated in the House entitled:

H. Res. 7. Resolution providing for the investigation of the condition and management of the charitable institutions, the penitentiaries, and Houses of Reform, and Adjutant-General's office by the joint committee on Charitable Institutions, State Prisons and Houses of Reform, and Military Affairs.

Mr. Waggoner moved that when this House adjourn to-day it be to meet again Monday, January 24th, at 12 o'clock meridian.

Said motion was agreed to.

Mr. Hines moved to reconsider the vote by which said motion was agreed to and the said motion lie upon the table.

The last named motion was agreed to.

Upon a call of the counties and Representative Districts bills were introduced, ordered to be printed and referred as follows, viz:

By Mr. Carter:

H. B. 206. An act to re-enact Section 1527, Kentucky Statutes, 1903, Carroll, which is Section 1527, Kentucky Statutes, Carroll, 1909,

which was declared repealed by implication by the Kentucky Court of Appeals.

To Committee on County and City Courts.

By same:

H. B. 207. An act to re-enact Section 3692, Kentucky Statutes, Carroll, 1903, which same is Section 3692, Kentucky Statutes, Carroll, 1909, relating to municipal corporations of the Sixth Class.

To Committee on Cities of the Fifth and Sixth Class.

By same:

H. B. 208. An act relating to the bonds of Public Officials and other bonds required by law.

To Committee on Judiciary.

By Mr. J. W. Berkshire:

H. B. 209. An act to amend Section 1944a, concerning rabbits and squirrels.

To Committee on Fish and Game.

By same:

H. B. 210. An act to amend Section 1697, Subdivision 1 of Article 15, Chapter 46 of the Kentucky Statutes, Carroll's Edition of 1903, entitled "Execution."

To Committee on Kentucky Statutes.

By Mr. Pittman:

H. B. 211. An act to prevent house-breaking and punishment for same.

To Committee on Criminal Law.

By same:

H. B. 212. An act to amend Chapter 1, Kentucky Statutes, entitled "Actions."

To Committee on Kentucky Statutes.

By Mr. Parks:

H. B. 213. An act to prohibit the sale, use and distribution of cigarette paper or any substitute therefor.

To Committee on Public Morals.

By Mr. Counts:

H. B. 214. An act to amend Section 4046, Article 2, Chapter 108 of the Kentucky Statutes, Carroll's Edition of 1909, entitled "Assessment of Property."

To Committee on Revenue Taxation.

By Mr. Shearer:

H. B. 215. An act to further regulate the sale of liquors in this Commonwealth.

To Committee on Public Morals.

By Mr. Welch:

H. B. 216. An act to amend an act entitled an act to revise and

make uniform the laws of this Commonwealth concerning the branding and drifting of trees, logs or other forest timber.

To Committee on Kentucky Statutes.

By same:

H. B. 217. An act to amend Section 68a, Kentucky Statutes.

To Committee an Agriculture.

By Mr. Klair:

H. B. 218. An act to amend the charter of cities of the Second Class.

To Committee on Municipalities.

By same:

H. B. 219. An act providing for the payment of expenses of the tax revision commission and the advisory commission and appropriating money therefor.

To Commitee on Appropriations.

By Mr. Steers:

H. B. 220. An act establishing the State Board of Education and defining the powers and duties thereof.

To Committee on Education No. 2.

By same:

H. B. 221. An act to establish and maintain Public Libraries.

To Committee on Education No. 2.

By Mr. Kelsey:

H. B. 222. An act to amend Section 1846 of the Kentucky Statutes revised and edited by John D. Carroll.

To Committee on Revenue and Taxation.

By same:

H. B. 223. An act entitled an act to amend Section 2569a of the Kentucky Statutes relating to the unlawful carrying of liquor into prohibition territory.

To Committee on Public Morals.

By same:

H. B. 224. An act to further regulate telephone companies doing business in the State.

To Committee on Public Utilities.

By Mr. Pirtle:

H. B. 225. An act to make it unlawful to give a check that is not paid when it is presented for payment or to make same good on demand and to provide punishment therefor.

To Committee on Criminal Law.

By same:

H. B. 226. An act to promote the attendance of the common schools and to give credit on the certification of the teachers.

To Committee on Education No. 2.

By same:

H. B. 227.—An act to amend Section 3628 of the Kentucky Statutes, Carroll's edition, 1903, defining the duties and authorities of cities of the Fifth Class.

To Committee on Cities of the Fifth and Sixth Class.

By same:

H. B. 228. An act to amend and re-enact Section 3612 of the Kentucky Statutes, the same being a part of the charter of cities of the fifth class, the same being an act of July 3, 1893, to give the right of appeal in same cases arising out of remonstrances against annexation or reduction of territory to the boundaries of cities of the Fifth Class.

To Committee on Cities of the Fifth and Sixth Class.

By Mr. Cosgrove:

H. B. 229. An act to amend an act entitled "An act to continue in force drainage systems established and operated by drainage corporations heretofore in any of the counties of Kentucky" this act to be Section 2417a of the Kentucky Statutes and being Sections 4497 to 4511 of Russell's Statutes of Kentucky and being Chapter 151 of the Acts of 1906.

To Committee on Public Roads and Highways.

By same:

H. B. 230. An act to provide for the warehousing of cottonseed and its products.

To Committee on Public Warehouses and Graneries.

By Mr. Robertson:

H. B. 231. An act to revise and amend an act entitled "An act to amend Section 124 and 125 of an act entitled ' An act for the government of cities of the First Class,' approved July 1, 1893, approved March 21, 1902," Section 1, of the said act being Sections 2909 and 2910 of the Kentucky Statutes by John D. Carroll and issued in 1903.

To Committee on Municipalities.

By Mr. Mahin:

H. B. 232. An act to prevent circuses or wild west shows from showing during live stock or agricultural fairs held in a county seat in this State.

To Committee on Kentucky Statutes.

By Mr. Turner:

H. B. 233. An act for the purpose of purchasing additional land adjoining the new capitol grounds.

To Committee on State Capitol.

By Mr. Price:

H. B. 234. An act to regulate premiums charged or exacted by guarantee and surety companies.

To Committee on Insurance.

By same:

H. B. 235. An act to amend and re-enact Section 3043 of the Kentucky Statutes relating to Second Class cities.

To Committee on Municipalities.

By Mr. Moss:

H. B. 236. An act to amend an act entitled "An act to regulate the practice of pharmacy in the Commonwealth of Kentucky to establish a Board of Pharmacists and define the powers and duties thereof, as amended, the portion of said act herein amended being Sections 2622 and 2627, Kentucky Statutes.

To Committee on Public Health.

By Mr. Taylor:

H. B. 237. An act to protect the citizens of the Commonwealth against hunters.

To Committee on Fish and Game.

By same:

H. B. 238. An act to make the 12th day of February a legal holiday.

To Committee on Kentucky Statutes.

By Mr. Shanks:

H. B. 239. An act to establish the Kentucky School for the Deaf and the Kentucky School for the Colored Deaf at Danville, to provide a Board of Commissioners, defining its powers and duties, to provide for the support of the two schools and to repeal all laws in conflict with this act.

To Committee on Charitable Institutions.

By same:

H. B. 240. An act to provide for the examination and regulation of nurses, to create a State Board of Nurse Examiners and Advisory Board, to define duties of such Boards and to provide penalties for the violations of this act.

To Committee on Judiciary.

By Mr. W. V. Perry:

H. B. 241. An act further regulating the liability of common carriers doing business in the State to their employes for injuries sustained by such employes while in the performance of their duties to such common carriers.

To Committee on Judiciary.

By same:

H. B. 242. An act to regulate telegraph, telephone and express companies doing business in this State.

To Committee on Judiciary.

By same:

H. B. 243. An act to amend Section 606 of Carroll's 1906 revised edition of the Kentucky Code of Practice.

To Committee on Codes of Practice.

By Mr. Gartin:

H. B. 244. An act to amend Section 1726, Article 2, Chapter 47 of the Kentucky Statutes compiled by the Hon. John D. Carroll.

To Committee on Revenue and Taxation.

By Mr. Frazier:

H. B. 245. An act to amend Section 3643 of Carroll's 1903 Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. Withers:

H. B. 246. An act to amend Subsection 4, Article 5, Title 10 of the Civil Code of Practice, being Subsection 340 thereof relating to new trials.

To Committee on Kentucky Statutes.

By Mr. J. W. Perry:

H. B. 247. An act to make castration the punishment for rape upon the body or person of a female of any age.

To Committee on Criminal Law.

By Mr. Dean:

H. B. 248. An act to amend Section 1845, Article 1, Chapter 52, Kentucky Statutes, relating to the compensation of members of the Fiscal Court.

To Committee on County and City Courts.

By Mr. Clore:

H. B. 249. An act to amend an act entitled "An act relating to revenue and taxation" providing for license taxes on compounded, rectified, adulterated and blended distilled spirits known and designated as single stamp spirits and providing penalties for violation of its provision, approved March 28, 1906, and which same is now Sections 4114a and4114h, inclusive, Kentucky Statutes Carroll's, 1909.

To Committee on Revenue and Taxation.

By Mr. Littrell:

H. B. 250. An act granting pensions for soldiers or widows of soldiers of the Confederate army.

To Committee on Confederate Home.

By Mr. Bradley:

H. B. 251. An act to require Life Insurance Companies doing business in the State of Kentucky to invest part of the reserve set apart on account of the policies of insurance written on the lives of the citizens of Kentucky in Kentucky and other securities and Kentucky property or in the bonds of the United States and to define Kentucky securities and require securities in which said reserve is invested to be kept deposited with the Treasurer of the State or in National or State Banks or Trust Companies.

To Committee on Insurance.

By Mr. Holland:

H. B. 252. An act to repeal Section 4426a, Article 60a of Kentucky Statutes, Carroll's Edition, 1909.

To Committee on Education No. 1.

By same:

H. B. 253. An act to further regulate the pooling of farm products.

To Committee on Agriculture.

By Mr. Claypool:

H. B. 254. An act defining public roads and providing for their establishment, regulating, construction, use and maintenance and providing for raising revenues in the counties for construction and maintenance of public roads.

To Committee on Public Roads and Highways.

By same:

H. B. 255. An act to create and establish a department of the State Government under and apart of the Department of Agriculture to be known as the Office of Public Roads and creating the Office of State Commissioner of Public Roads.

To Committee on Public Roads and Highways.

By same:

H. B. 256. An act creating a fund in the Treasury of the State to be known as the State Road Fund by creating a State road tax and fixing the rate of levy therefor and providing and regulating the disbursement thereof.

To Committee on Public Roads and Highways.

By Mr. Russell:

H. B. 257. An act to appropriate $5,000 to assist in erecting a monument or memorial building in Todd and Christian at the birth place of Jefferson Davis.

To Committee on Public Monuments and Historical Records.

By same:

H. B. 258. An act to repeal an act entitled "An act to regulate the practice of barbering, the registration and licensing of persons to carry on such practice and to insure the better education of such practictioners, and to insure better sanitary conditions in barber shops and to prevent the spreading of disease in the State of Kentucky."

To Committee on Kentucky Statutes.

By same:

H. B. 259. An act to authorize arbitration of matters in controversy between the Commonwealth of Kentucky and contractor for labor of convicts, the Auditor of Public Accounts to name an arbitrator, the contractor to name another and the two thus selected to select the third and provide for the settlement of the award.

To Committee on State Prisons and Houses of Reform.

By Mr. Whitlow:

H. B. 260. An act relating to weights, measures and balances and the appointment of an Inspector for the counties.

To Committee on County and Circuit Courts.

By same:

H. B. 261. An act to amend Section 8 of an act of the General Assembly approved March 24, 1908, entitled "An act for the government and regulation of the common schools of the State.

To Committee on Education No. 2.

Mr. Turner moved to reconsider the vote by which H. B. 217 was referred to the Committee on Agriculture.

Mr. Klair moved that said motion lie on the table.

Mr. Mahin moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Klair and P. W. Berkshire were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
J. O. Bogie,
V. A. Bradley,
J. T. Buford,
J. P. Chinn,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
Peter J. Cosgrove,
W. L. Craig,
H. C. Duffy,
L. W. Francis,
Chas. W. Fulton,
H. T. Gartin,
John W. Holland,
L. B. Herrington,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
W. V. Perry,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
G. T. Reynolds,
J. F. Richardson,
Samuel L. Robertson,
W. H. Shanks,
H. A. Schoberth,
W. R. Whitlow,
J. H. Williams,—41

Those who voted in the negative were—

Eli Berry,
T. M. Bertram,
J. M. Blair,
O. Houston Brooks,
Frank J. Brown,
S. M. Carson,
W. G. Caudill,
Henry Chunn,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
W. B. Creekmore,
Wm. S. Dean,
G. G. Frazier,
F. E. Graves,
Robt. L. Harris,
Hite Huffaker,
J. H. Lackey,
H. L. Lewis,
R. H. Moss,
S. P. Parks,
J. W. Perry,
John C. Pirtle,
G. H. Plitt,
R. A. Read,
Geo. W. Reid,
H. T. Rich,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
W. L. Shearer,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
L. F. Withers,
J. R. Zimmerman,
—42

The motion as made by Mr. Klair above was agreed to.

The yeas and nays being required thereon by Messrs. Harris and J. W. Perry were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. O. Bogie,
V. A. Bradley,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Peter J. Cosgrove,
W. L. Craig,
H. C. Duffy,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
Wm. F. Klair,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
W. V. Perry,
G. T. Reynolds,
Samuel L. Robertson,
John S. Steers,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
W. H. Shanks,
Geo. C. Waggoner,
J. H. Williams,
J. H. Williams,
J. R. Zimmerman,
—46

Those who voted in the negative were—

R. H. Akin,
W. D. Allbright,
T. M. Bertram,
J. M. Blair,
O. Houston Brooks,
Frank J. Brown,
W. G. Caudill,
Henry Chunn,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
W. B. Creekmore,
Wm. S. Dean,
H. T. Gartin,
Robt. L. Harris,
W. G. Keen,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
Frank S. Moore,
R. H. Moss,
S. P. Parks,
J. W. Perry,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
R. A. Read,
Geo. W. Reid,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
W. L. Shearer,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
W. F. Welch, —40

Mr. Russell offered the following resolution, viz:

Whereas, the Auditor's report shows a large deficit in the revenues

of the State, and that warrants and current obligations remain unpaid for lack of funds; and

Whereas, The proper maintenance of the various State institutions including the prisons, the charitable institutions, the University, the Normal Schools, and other public institutions requires additional appropriations for their further improvement; therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the committees on Revenue and Taxation of the House and Senate be and the same are hereby directed to ascertain from the Auditor all necessary facts as to the amount of said deficit, the expenditures that caused the same, the probable revenues of the State for the ensuing two years, and the current expenses of the State for the same time, exclusive of special appropriations that may be made by this General Assembly; and

BE IT FURTHER RESOLVED, That said committee be requested to report to their respective Houses, after such inquiry, what, if any, legislation they deem necessary in order to pay the existing indebtedness of the State and to provide necessary revenues to meet the current expenses of the State, and to continue to properly support and improve the said public institutions with such liberality as is consistent with wisdom, progress, the welfare of the people and the honor and dignity of the Commonwealth.

Said resolution was read and ordered to lie on the Clerk's desk.

And the House adjourned.

MONDAY, JANUARY 24, 1910.

The House was opened with prayer by the Rev. R. L. Cowan of the Presbyterian Church, Southern Assembly.

The reading of the Journal of the proceedings of Thursday last was dispensed with.

Upon a call of the counties and Representative Districts bills were introduced, printed and referred as follows, viz.:

By Mr. Johnson:

H. B. 262. An act to prevent the use of money in elections.

To Committee on Suffrage and Elections.

By Mr. Clay:

H. B. 263. An act relating to frauds in elections.

To Committee on Suffrage and Elections.

By same:

H. B. 264. An act making the buying and selling of election certificate a felony and fixing the penalty therefor.

To Committee on Suffrage and Elections.

By same:

H. B. 265. An act to amend Sections 2 and 12 of an act entitled "An act to prescribe the powers and duties of the Commissioner of

Agriculture, Labor and Statistics," approved April 2, 1892, same being Chapter 16 of the Acts of 1891, 1892 and 1893; said Sections being respectively Section 32 and Section 42 of the Kentucky Statutes, compiled and adopted by John D. Carroll and issued in the year 1909.

To Committee on Agriculture.

By Mr. Reynolds:

H. B. 266. An act to amend an act to amend Section 4315, Chapter 110 of the Kentucky Statutes, approved March 24, 1908.

To Committee on Internal Improvements.

By Mr. Counts:

H. B. 267. An act to amend Section 126 of the Civil Code of Practice.

To Committee on Codes of Practice.

By Mr. Blair:

H. B. 268. An act to amend and re-enact Section 1309 of the Kentucky Statutes, relating to carrying deadly weapons concealed.

To Committee on Criminal Law.

By Mr. Shearer:

H. B. 269. An act in relation to pandering, to prohibit the same, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

To Committee on Public Morals.

By Mr. Klair:

H. B. 270. An act to establish the department of banking, providing for the election of a commissioner thereof, providing for State Bank Examiners, and certain assistants, prescribing their duties and manner of compensation; also providing for the examination and inspection of all banks, trust companies, savings banks, combined banks, combined banks and trust companies organized and doing business under the laws of this Commonwealth.

To Committee on Banks and Banking.

By same:

H. B. 271. An act to further Section 564, Kentucky Statutes, being Section 27 of an act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

To Committee on Corporate Institutions.

By Mr. Moore:

H. B. 272. An act defining motor vehicles, providing for registration of the same and uniform rules regulating the use and speed thereof.

To Committee on Public Roads and Highways.

By Mr. Crabtree:

H. B. 273. An act to reduce the cost of repairs for farm machinery.

To Committee on Agriculture.

By Mr. Cosgrove:

H. B. 274. An act to amend an act for the government of cities of the first class, approved July 1, 1893.

To Committee on Municipalities.

By Mr. Price:

H. B. 275. An act to amend Section 2514 of the Kentucky Statutes relating to limitations of actions.

To Committee on Judiciary.

By Mr. Shanks:

H. B. 276. An act allowing citizens sixty years and over the privilege of declining jury service.

To Committee on Judiciary.

By Mr. Graves:

H. B. 277. An act to amend an act entitled "An act to protect the citizens of this Commonwealth from impiricism, and approved April 10, 1893, and acts amendatory thereto, being Article 1, Chapter 85 of the Kentucky Statutes, and to amend Section 2047, Chapter 63 of the Kentucky Statutes creating a State Board of Health approved April 20, 1893, and regulating the practice of medicine, surgery and osteopathy in this Commonwealth.

To Committee on Public Health.

By Mr. Withers:

H. B. 278. An act to amend and re-enact Section 1 of Article 13 of the Act "An act relating to Revenue and Taxation," approved March 15, 1906, and being Section 4225 of the Kentucky Statutes.

To Committee on Revenue and Taxation.

By Mr. Trivett:

H. B. 279. An act to amend and re-enact 3643 of the Kentucky Statutes relating to cities of the Fifth Class.

To Committee on the Fifth and Sixth Class.

By Mr. Colson:

H. B. 280. An act to amend an act entitled "An act to promote the sheep industry and provide a tax on dogs," approved March 1, 1906.

To Committee on Agriculture.

By Mr. Holland:

H. B. 281. An act to amend Section 3523 of the Kentucky Statutes, Carroll's Edition of 1909, relating to terms of police court in cities of the Fourth Class.

To Committee on Kentucky Statutes.

By same:

H. B. 282. An act to regulate the sale of opium or its alkalodial salts or their derivitives or any admixture thereof.

To Committee on Public Health.

By Mr. Porter:

H. B. 283. An act to amend Section 211 of the Civil Codes of Practice.

To Committee on Codes of Practice.

By same:

H. B. 284. An act to provide for the payment of trustees of sub-districts or common school districts in this Commonwealth.

To Committee on Education No. 1.

By same:

H. B. 285. An act to amend Section 2118 of the Kentucky Statutes, Carroll's Edition 1903.

To Committee on Judiciary.

By same:

H. B. 286. An act to induce better behavior during the period of confinement of prisoners in jails of this Commonwealth.

To Committee on County and City Courts.

By Mr. Graves:

H. B. 287. An act relating to improvements in cities of the Second Class.

To Committee on Municipalities.

Mr. Crecelius offered the following resolution, viz:

H. Res. 14. Resolution extending the thanks of this General Assembly and the people of Kentucky to Hon. Wm. O. Bradley for his able, and eloquent defense of the State of Kentucky and its citizenship against the attacks made upon them by certain newspapers.

Whereas, an article appeared in the WASHINGTON TIMES on Sunday the 16th, inst., which unjustly attacked, and cast underserved prejudice on the Farmers, Legislature, Judiciary and the entire citizenship of Kentucky, and

Whereas, Hon. Wm. O. Bradley, in a speech delivered in the United States Senate on last Thursday, pleaded for the good name

of Kentucky, and in eloquent and logical words defended the Tobacco Growers, Farmers, Legislature and Judiciary of the State, and denounced in scathing terms the cruel and outrageous libels uttered against them by this paper,

Now Therefore Resolved by the House of Representatives, the Senate concurring therein:

1. That the thanks of the Legislature and the people of Kentucky are hereby tendered to the Hon. Wm. O. Bradley for his manly defense of the Tobacco Growers of the State; the laboring classes, the Legislature which passed the Act for the relief of the Farmers and Tobacco Growers and the Judiciary, which upheld the constitutionality of the act passed for their relief.

2. That a copy of these resolutions certified by the Chief Clerks of the Senate and House of Representatives be forwarded to the Hon. Wm. O. Bradley.

Said resolution was adopted.

Mr. Southall offered the following resolution, viz.:

Resolved, that the Superintendent of Public Printing be and he is hereby instructed to have all bills which have been introduced in the House and which have not been printed, printed in the order in which said bills have been introduced and to have all bills which may be introduced hereafter, printed in the same order.

Said resolution was adopted.

Mr. Graves moved that the Superintendent of Public Printing be and is hereby directed to return to this House by to-morrow morning H. Res. 4. Resolution ratifying the 16th amendment to Constitution of the United States.

Whether the same has been printed or not.

Said motion was agreed to.

A message was received from the Senate announcing that they had concurred in resolution which originated in the House of Representatives of the following titles, viz.:

H. Res. 8. Resolution calling on the Auditor and Custodian for number of employes about old Capitol and new Capitol and their compensation.

H. Res. 10. Resolution instructing our Senators and requesting our Representatives in Congress to vote for and urge the passage of the bill to amend the Sherman Anti-trust law.

That they had adopted a resolution of the following title:

S. Res. 4. Joint Resolution to provide the Chairmen of Standing Committees of the Senate and House, and President of the Senate and Speaker of the House with Kentucky Statutes and Codes of Practice.

Ordered that said resoltuion lie on the Clerks desk.

The Committee to which the same have been referred reported bills of the following titles, viz.:

By Mr. Crecelius of the Committee on State Prisons and Houses of Reform:

H. B. 146. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth which became a law March 5, 1898.

By same:

H. B. 147. An act to amend and re-enact Section 20 of Chapter 65a of Kentucky Statutes of 1903; to provide for the maintenance of

the House of Reform for boys and the House of Reform for girls and the inmates thereof, and to provide for the payment into the State Treasury of the revenue derived from said Houses of Reform.

By same:

H. B. 148. An act to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole, and to that end, for the appointment of an employment agent, define his duties and fix his compensation; and to further provide for the final discharge by the said Board of paroled prisoners who shall have been obedient to the terms of their paroles.

Said bills were severally read the first time at length, and ordered to be placed on the calendar.

Mr. Clay offered the following resolution, viz:

Resolved, that the Superintendent of Public Printing be instructed to report to this House by Wednesday morning next, to what printers the bills so far offered have been assigned. His report to indicate such disposition of bills by number. Also to report what bills are undelivered.

Said resolution was adopted.

Mr. Bradley moved that when the House adjourn to-day it be to meet to-morrow at eleven o'clock a. m.

Said motion was disagreed to.

Mr. Shanks moved that House do now adjourn.

Said motion was agreed to.

TUESDAY, JANUARY 25, 1910.

The House was opened with prayer by the Rev. R. L. Cowan of the Presbyterian Church Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Whitlow presented the petition of sundry citizens of the County of Warren remonstrating against the repeal of the Act providing for a tax on dogs.

Which was received, reading dispensed with and referred to the Committee on Agriculture.

Mr. Turner called up for consideration from the Clerk's desk a resolution which originated in the Senate entitled:

S. Res. 4. Resolution to provide the chairmen of standing committees of the Senate and House and President of the Senate and Speaker of the House with Kentucky Statutes and Codes of Practice.

Whereas, it is necessary for the members of the General Assembly, in the proper and efficient discharge of their duties during the session of the Legislature to have a ready reference to the laws heretofore enacted and which are now in force as the laws of the Commonwealth of Kentucky; therefore, be it,

Resolved by the General Assembly of the Commonwealth of Kentucky:

First. That the State Librarian be and is hereby directed to purchase and furnish to the chairmen of each of the standing com-

mittees of the Senate and House and to the President of the Senate and the Speaker of the House with a copy each of the latest edition of the Kentucky Statutes and Codes of Practice and the Acts of the 1906 and 1908 Legislatures for their use during this session of said body. Same to remain the property of the State of Kentucky and to be returned to the State Librarian at the end of the session.

Second. That the State Librarian is hereby further authorized and directed to purchase at not exceeding one dollar per copy four hundred copies of the book entitled "Official manual" for the use of the Courts, State and County Officials and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly and such officials thereof as may be designated by the presiding officers of the respective houses, a copy of the same and will furnish the State officials with copies thereof and send a copy thereof to the Clerk of the County Court of each county in the State to be kept in his office, the Librarian will furnish to the Librarian of each State and Territory in the Union a copy of said book in exchange for similar books from the said States and Territories and a copy of Librarian of Congress.

Third. It being necessary that the officials should have the books herein provided for, and emergency is declared to exist and this resolution shall be in force upon its approval by the Governor; provided however, that the members and officials who are entitled to the Kentucky Statutes hereunder shall be entitled to his choice of editions of said Statutes by indicating his preference in writing to the Librarian.

Mr. Turner offered the following amendments to said resolution, viz.:

Amend Section 1 by striking out the words "to the chairmen of each of the standing Committees of the Senate and House" and in-

serting in lieu thereof the words "to each member of the House and Senate."

Also amend Section 3 by striking out the words "chairmen of said committees" and inserting in lieu thereof the word "members."

Also amend the title of said resolution so that it will read as follows, viz.:

Resolution to provide the members of the Senate and House and President of the Senate with copies of the Statutes and Codes of Practice and official manual.

Said amendments were agreed to.

Said resolution as amended was agreed to.

The yeas and nays being taken on concurring in said resolution as amended were as follows, viz.:

Those who voted in the affirmative were—

W. D. Allbright,	M. G. Colson,	R. Dillard Hunter,
J. W. Berkshire,	Albert J. Counts,	S. B. Johnson,
T. M. Bertram,	Peter J. Cosgrove,	W. G. Keen,
J. M. Blair,	W. L. Craig,	W. T. Kenton,
J. O. Bogie,	C. F. Crecelius,	O. M. Kelsey,
V. A. Bradley,	W. B. Creekmore,	J. H. Lackey,
O. Houston Brooks,	H. C. Duffy,	H. L. Lewis,
Frank J. Brown,	J. H. Evans,	L. C. Littrell,
J. T. Buford,	L. W. Francis,	Hugh Mahin,
S. M. Carson,	G. G. Frazier,	J. H. McWaters,
L. H. Carter,	Chas. W. Fulton,	Don G. McVean,
W. G. Caudill,	H. T. Gartin,	Frank S. Moore,
J. P. Chinn,	T. D. Graham,	H. J. Meyers,
Henry Chunn,	Robt. L. Harris,	Ben E. Niles,
Sidney G. Clay,	L. B. Herrington,	L. C. Owings,
J. R. Claypool,	John W. Holland,	S. P. Parks,
Z. T. Coleman,	Hite Huffaker,	J. W. Perry,

John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
—79

Mr. Crecelius moved that the Superintendent of Public Printing be directed to return to this House by to-morrow at 11 o'clock a. m. original House Bills numbers 37, 51, 66, 135, 107, 38, 39, 27, 16, 17, 68, 126, 250, 79, 80, 69, 70, 173, 175, 94, 91, 253. 183 and all other bills furnished to him prior to Friday last, whether printed or not printed.

Said motion was agreed to.

Mr. Clay that when this House adjourn to-day it be until to-morrow morning at 11 o'clock.

Said motion was agreed to.

The committees to which the same have been referred reported bills of the following titles, viz.:

By Mr. J. W. Berkshire of the Committee on Classification of Cities and Towns:

H. B. 30. An act to amend an act entitled, an act to assign cities and towns of this Commonwealth to the classes to which they belong and passed and approved Sept. 30, 1892, Chapter 89, Kentucky Statutes.

By Mr. Frazier of the Committee on Cities of the Fifth and Sixth Class.

H. B. 161. An act to provide a system for the assessment, levy and collection of taxes in towns of the Sixth Class.

By same:.

H. B. 15. An act to amend Section 3704 of the Kentucky Statutes prohibiting the running at large of stock in towns of the Sixth Class.

By same:

H. B. 124. An act to amend and re-enact Section 3681 of the Kentucky Statutes, Carroll's edition 1909, and enact sub-section 3681a providing for the appointment or election of town marshals in Sixth Class towns.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the calendar, bills of the following titles, viz.:

H. B. 146. An act to amend an act entitled, an act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth which became a law March 5, 1898.

H. B. 147. An act to amend and re-enact Section 20 of Chapter 65a of Kentucky Statutes of 1903; to provide for the maintenance of the House of Reform for boys and the House of Reform for girls and its inmates thereof, and to provide for the payment into the State Treasury of the revenue derived from said Houses of Reform.

H. B. 148. An act to repeal an act entitled, "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of the Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners, of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of

Kentucky; to provide for the employment, care and supervision of such persons while so on parole, and to that end, for the appointment of an employment agent, define his duties and fix his compensation; and to further for the final discharge by the said Board, of paroled prisoners who shall have been obedient to terms of their paroles.

Ordered that said bills be severally read the second time.

The provisions of the Constitution as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

Mr. Schoberth moved that the House do now adjourn.

Said motion was agreed to.

WEDNESDAY, JANUARY 26, 1910.

The House was opened with prayer by the Rev. R. L. Cowan of the Presbyterian Church, Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate that they had concurred in a resolution which originated in the House entitled:

H. Res. 14. Resolution extending the thanks of this General Assembly and the people of Kentucky to U. S. Senator Wm. O. Bradley for his able and eloquent defense of the State of Kentucky and its citizenship against the attacks made upon them by certain newspapers.

That they had a resolution entitled:

S. Res. 7. Resolution extending the thanks of this General Assembly to the Hon. Campbell Cantrill for his able and eloquent defense of the people of Kentucky, the Legislature and the Judiciary of the State in the National Congress.

Ordered that said resolution lie on the Clerk's desk.

That they had passed bills of the following titles, viz.:

1. S. B. 8. An act to amend Section 2 of Article 1 of an act entitled, "An act relating to Revenue and Taxation," approved March 15, 1906.

2. S. B. 10. An act to regulate the business of insuring or guaranteeing burial or burial expenses.

3. S. B. 77. An act to repeal Section 1136, Chapter 36 of the Kentucky Statutes and to substitute therefor.

Ordered that said bills be printed and referred; 1 and 2 to the Committee on Municipality and 3 to Committee on Codes of Practice.

The committees to which the same have been referred reported bills of the following titles, viz.:

By Mr. Moore of the Committee on Cities of the Fourth Class:

H. B. 26. An act to amend Chapter 89 of the Kentucky Statutes entitled, "Municipal Corporations."

By same:

H. B. 113. An act to amend Section 3490, Sub-section 22 of the Kentucky Statutes, relating to charters of cities of the Fourth Class.

By Mr. Klair of the Committee on Municipalities:

H. B. 105. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in First, Second and Third Class cities.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 106. An act relating to the holding of Circuit Courts in counties having therein cities of the Second and Third Class.

By same:

H. B. 187. An act to amend and re-enact Section 32, Article 2, Chapter 22, of an act entitled, "An act relating to Revenue and Taxation," which became a law March 15, 1906, and relating to the

compensation allowed assessors and to re-enact said section as amended.

By Mr. Chunn of the Committee on Public Library:

H. B. 1. An act to amend Sections 2445 and 2447, Kentucky Statutes and to provide clerk hire for the libraries of the Commonwealth.

With an amendment thereto.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. Brooks of the Committee on Federal and State Constitutional Amendments to which the same had been referred reported the following resolution, viz.:

H. Res. 4. Resolution ratifying the sixteenth amendment to the Constitution of the United States.

Whereas, the Congress of the United States on July —, 19___, adopted a joint resolution, proposing an amendment to the Constitution of the United States, as follows:

"Resolved, by the Senate and House of Representatives of the U. S. A., in Congress assembled, two-thirds of each House concurring therein, that, the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes, as a part of the Constitution."

Article XVI. The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census, or enumeration. And the foregoing proposed amendment having been laid

before the Legislature of the State of Kentucky for consideration and action.

Now therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky, that the foregoing amendment to the Constitution of the United States be, and the same is hereby ratified to all intents and purposes, as a part of the Constitution of the United States.

2. That the Governor of this State is hereby requested to forward to the President of the United States an authentic copy of the foregoing joint resolution.

Said resolution was adopted.

The yeas and nays being taken on the adoption of said resolution were as follows, viz.:

R. H. Akin,
J. W. Berkshire,
Eli Berry,
O. Houston Brooks,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
J. H. Evans,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
W. H. Shanks,

Herman Southall,	Edward A. Weber,	L. F. Withers,
J. W. Turner,	W. R. Whitlow,	J. R. Zimmerman,
Geo. C. Waggoner,	J. H. Williams,	—69

Those who voted in the negative were—

W. D. Allbright,	W. T. Kenton,	S. A. Shanklin, —7
T. M. Bertram,	C. C. Patrick,	
Frank J. Brown,	G. T. Reynolds,	

The House took up for consideration from the calendar, bills of the following titles, viz.:

H. B. 15. An act to amend Section 3704 of the Kentucky Statutes prohibiting the running at large of stock in towns of the Sixth Class.

H. B. 30. An act to amend an act entitled, "An act to assign cities and towns of this Commonwealth to the classes to which they belong," approved Sept. 30, 1892, Chapter 89, Kentucky Statutes.

H. B. 124. An act to amend and re-enact Section 3681, Kentucky Statutes, Carroll's edition, 1909, and enact Subsection 3681a, providing for the appointment or election of town marshalls in Sixth Class towns.

H. B. 151. An act to provide a system for the assessment, levy and collection of taxes in towns of the Sixth Class.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with,

Ordered, that said bills be placed in the orders of the day.

The House took up for consideration from the orders of the day a bill entitled,

H. B. 146. An act to amend an act entitled, "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth" which became a law March 5, 1898.

Mr. Klair moved that said bill be made the special order for to-morrow morning at eleven o'clock.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled,

H. B. 147. An act to amend and re-enact Section 20 of Chapter 65a, of the Kentucky Statutes of 1903; to provide for the maintenance of the House of Reform for boys and the House of Reform for girls and the inmates thereof and to provide for the payment into the State Treasury of the revenue derived from said Houses of Reform.

Mr. Klair moved that said bill be made the special order for to-morrow morning at eleven o'clock and fifteen minutes.

The House took up for consideration from the orders of the day a bill entitled,

H. B. 148. An act to repeal an act entitled, "An act concerning the parole of convicts" approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903; to provide for parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of Kentucky, to provide for the employment, care and supervision of such persons while so on parole, and to that end, for the appointment of an employment agent, define his duties and fix his compensation; and to further provide for the final discharge by the said Board, of paroled prisoners who shall have been obedient to the terms of their parole.

Mr. Shanks moved that said bill be re-committed to the Committee on State Prisons and Houses of Reform.

Said motion was agreed to.

Mr. Shearer moved that the House do now adjourn.

Said motion was agreed to.

THURSDAY JANUARY 27, 1910.

The House was opened with prayer by the Rev. R. L. Cowan, of the Presbyterian Church, Southern Assembly.

The reading of the Journal of yesterday's proceedings was dispensed with.

Upon a call of the counties and Representative Districts, bills were introduced, ordered printed and referred as follows, viz:

By Mr. Keen:

H. B. 288. An act regulating cities of the Sixth Class.

To Committee on Cities of the Fifth and Sixth Class.

By Mr. Points:

H. B. 289. An act concerning notaries public who are stockholders, directors, officers or employes of banks or other corporations.

To Committee on Banks and Banking.

By same:

H. B. 290. An act to punish the making of false statements to obtain property on credit.

To Committee on Judiciary.

By same:

H. B. 291. An act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of same.

To Committee on Banks and Banking.

By same:

H. B. 292. An act fixing the liability of a bank to its depositor for payment of forged or raised checks.

To Committee on Banks and Banking.

By same:

H. B. 293. An act to punish derogatory statements affecting banks.

To Committee on Banks and Banking.

By Mr. Johnson:

H. B. 294. An act to change the time of holding Circuit Court in the Thirty-third Judicial District of Kentucky.

To Committee on Circuit Courts.

By Mr. Reynolds:

H. B. 295. An act to establish the crime of hazing and fixing a punishment for same.

To Committee on Criminal Law.

By Mr. Parks:

H. B. 296. An act to prevent the destruction of rabbits.

To Committee on Fish and Game.

By Mr. Zimmerman:

H. B. 297. An act providing that names of candidates put on a ballot by petition shall not be placed under the device of a political party entitled to nominate by primary or convention.

To Committee on Suffrage and Election.

By Mr. Akin:

H. B. 298. An act to amend Section 1115 of the Kentucky Statutes.

To Committee on Criminal Law.

By Mr. Chunn:

H. B. 299. An act to amend Section 68a, Kentucky Statutes, 1909, and a substitute therefor.

To Committee on Agriculture.

By Mr. Newell:

H. B. 300. An act to provide additional registration days in counties where registration of voters is required and designating the registrar.

To Committee on Suffrage and Elections.

By Mr. Coleman:

H. B. 301. An act to prevent the spread of communicable disease among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State.

To Committee on Agriculture.

By Mr. Pogue:

H. B. 302. An act repealing the charter of Dycusburg public school.

To Committee on Education No. 2.

By Mr. Berry:

H. B. 303. An act to limit the power of cities of the Third Class and towns to sell, convey, lease or mortgage any water works system or lighting system or income thereof.

To Committee on Judiciary.

By same:

H. B. 304. An act to amend Section 3264 of the Kentucky Statutes, being a part of the charter of cities of the Third Class.

To Committee on Judiciary.

By same:

H. B. 305. An act defining and punishing conspiracies.

To Committee on Criminal Law.

By same:

H. B. 306. An act to amend Section 3287 of the Kentucky Statutes, being a part of the charter of cities of the Third Class.

To Committee on Judiciary.

By same:

H. B. 307. An act to amend Chapter 58 of the Kentucky Statutes.

To Committee on Criminal Law.

By same:

H. B. 308. An act regulating actions against municipalities for negligence.

To Committee on Municipalities.

By Mr. Welch:

H. B. 309. An act to abolish the office of assessor and to provide for the taking of assessments of property by Justices of the Peace in their respective magisterial districts of the county wherein they reside.

To Committee on County and City Courts.

By same:

H. B. 310. An act providing for the reading of the Bible in public schools.

To Committee on Public Morals.

By Mr. Klair:

H. B. 311. An act to amend and re-enact Section 3117 of the Kentucky Statutes, Carroll's Edition, 1903, relating to the official newspaper of cities of the Second Class.

To Committee on Municipalities.

By same:

H. B. 312. An act providing for the safety of employes of railroads in the State of Kentucky while engaged in the yard or switching service.

To Committee on Railroads.

By same:

H. B. 313. An act entitled an act to amend Chapter 4, Section 13 of said act now being Section 3807 of Kentucky Statutes.

To Committee on State Prisons and Houses of Reform.

By Mr. Buford:

H. B. 314. An act for the benefit of the county clerks of this State.

To Committee on Public Offices.

By Mr. Moore:

H. B. 315. An act regulating the allowance to pauper idiots and providing for the payment of same.

To Committee on Kentucky Statutes.

By Mr. Brooks:

H. B. 316. An act entitled an act to amend and re-enact Section 2557 and 2557a of the Kentucky Statutes, Carroll's Edition, 1909, relating to liquor intoxicating.

To Committee on Public Morals.

By Mr. S. C. Roberts:

H. B. 317. An act prohibiting labor on the fourth of July, the 25th day of December and Thanksgiving day and providing a penalty therefor.

To Committee on Immigration and Labor.

By same:

H. B. 318. An act to amend Section 1944b of the Kentucky Statutes relating to the sale of game.

To Committee on Fish and Game.

By Mr. Kelsey:

H. B. 319. An act regulating the collection of tolls on turnpikes and toll roads in the State of Kentucky on the Sabbath.

To Committee on Public Roads and Highways.

By Mr. Williams:

H. B. 320. An act for the safety of employes engaged in the operation of trains on the railroads of this State, and to prevent the use of a caboose car known as a "Dinky" or four wheeled car.

To Committee on Railroads.

By same:

H. B. 321. An act to regulate the use of two or more engines on railroad trains in the State of Kentucky.

To Committee on Railroads.

By Mr. Pirtle:

H. B. 322. An act further extending oath of office.

To Committee on Judiciary.

By same:

H. B. 323. An act to regulate lobbying and providing penalties for violations.

To Committee on Judiciary.

By Mr. Niles:

H. B. 324. An act creating a Board of State Bank Examiners to be appointed by the Secretary of State.

To Committee on Banks and Banking.

By Mr. S. L. Robertson:

H. B. 325. An act to amend that part of an act entitled "An act for the government of cities of the First Class, approved July 1, 1893," which relates to Revenue and Taxation.

To Committee on Municipalities.

By same:

H. B. 326. An act providing for the appointment of police matrons, jail matrons, a laundry matron at jails, and workhouse matrons in cities of the First Class in this State.

To Committee on Municipalities.

By Mr. Mahin:

H. B. 327. An act to appropriate money for the House of Reform at Greendale.

To Committee on State Prisons and Houses of Reform.

By Mr. Turner:

H. B. 328. An act to raise the license tax on compounded, rectified, adulterated or blended distilled spirits, known and designated as single stamp spirits, from one and one fourth cents to five cents per wine gallon.

To Committee on Revenue and Taxation.

By same:

H. B. 329. An act relating to Revenue and Taxation and fixing a license tax of two cents of every wine gallon of distilled spirits, commonly known and designated as straight whiskey, produced in this State or shipped here for the purpose of branding or labeling as Kentucky whiskey.

To Committee on Revenue and Taxation.

By Mr. McWaters:

H. B. 330. An act for the separation of white and colored passengers on street cars.

To Committee on Interurban and Street Railways.

By Mr. Gartin:

H. B. 331. An act to amend Section 1730, Kentucky Statutes, so as to increase the fees of jailers.

To Committee on County and City Courts.

By same:

H. B. 332. An act to amend Section 356 of the Kentucky Statutes so as to increase fees of jailers.

To Committee on County City Courts.

By same:

H. B. 333. An act to amend Section 3948, Chapter 104, Kentucky Statutes.

To Committee on County and City Courts.

By same:

H. B. 334. An act to provide for the transportation of the remains of all convicts who die in the penal institutions of this Commonwealth when the remains are claimed or desired by the relatives of the deceased.

To Committee on State Prisons and Houses of Reform.

By same:

H. B. 335. An act to amend the present law in relation to the inspection of oils and fluids, the product of coal, or other bituminous substances, by whatever name called, which may or can be used for illuminating purposes, manufactured or refined in this State.

To Committee on Kentucky Statutes.

By Mr. Frazier:

H. B. 336. An act regulating the sale of patent medicines.

To Committee on Public Health.

By Mr. Withers:

H. B. 337. An act regulating the liability of railroad companies to their employes.

To Committee on Kentucky Statutes.

By same:

H. B. 338. An act for the protection of the public health by regulating the sale of beef, veal, mutton, lamb and pork.

To Committee on Pure Food.

By Mr. Craig:

H. B. 339. An act to amend and re-enact Section 1309 of the Kentucky Statutes in regard to carrying concealed weapons and providing a license for same, said license to go to the benefit of the county roads.

By same:

H. B. 340. An act to amend an act approved March 1, 1906, to promote the sheep industry and provide a tax on dogs.

To Committee on Agriculture.

By Mr. J. W. Perry:

H. B. 341. An act declaring all dogs in this Commonwealth to be personal property, and the subject of larceny and fixing on them ad valorem value, and taxing same.

To Committee on Revenue and Taxation.

By Mr. Richardson:

H. B. 342. An act to amend an act entitled, "An act for the erection and maintenance of the Confederate Home," approved March 27, 1902, and amended March 21, 1906.

To Committee on Confederate Home.

By Mr. Crecelius:

H. B. 343. An act to repeal the Charter of the town of Boston Station, Pendleton County.

To Committee on Cities of the Fifth and Sixth Class.

By same:

H. B. 344. An act to enforce the school attendance of children between the ages of seven and fourteen years.

To Committee on Education No. 2.

By Mr. Colson:

H. B. 346. An act to change the name of State University Lexington, Kentucky, to University of Kentucky, and to amend parts of laws with reference to same.

To Committee on State University and Normal Schools.

By Mr. Bradley:

H. B. 346. An act qualifying and enabling women to vote for the election of School Trustees and other School Officers chosen by the people, except such officers as women may be disqualified from voting for by the constitution, and upon school measures or questions submitted to a vote of the people and to hold common school offices, except such offices as women are disqualified from holding by the Constitution.

To Committee on Suffrage and Elections.

By Mr. Holland:

H. B. 347. An act to regulate the establishment of industrial schools.

To Committee on Kentucky Statutes.

By same:

H. B. 348. An act adopting as the Commonwealth of Kentucky the edition of the Kentucky Statutes compiled by John D. Carroll and issued in 1909.

To Committee on Kentucky Statutes.

By same:

H. B. 349. An act to amend Section 567, Kentucky Statutes, Section 2153, Russell's Statutes of Kentucky so as to authorize a corporation to act as agent for an insurance company provided the capital of the agency corporation does not exceed $50,000 and providing as to license fees as to agents.

To Committee on Insurance.

By same:

H. B. 350. An act to amend the insurance laws by repeal of Section 659, Kentucky Statutes, being Section 4382 of Russell's Statutes of Kentucky and substituting another therefor.

To Committee on Insurance.

By same:

H. B. 351. An act to repeal Section 653 of the Kentucky Statutes being Section 4376 of Russell's Statutes of Kentucky and to enact in place thereof section of the same number concerning the funds of life insurance companies, valuation of life insurance policies and penalty for improperly issuing new policies.

To Committee on Insurance.

By Mr. Lackey:

H. B. 352. An act to amend Section 2632 of Carroll's Statutes relating to pharmacy.

To Committee on Public Health.

By Mr. Graham:

H. B. 353. An act to amend Section 4148 of the Kentucky Statutes.

To Committee on Revenue and Taxation.

By Mr. Schoberth:

H. B. 354. An act for the benefit of the House for Incurables.

To Committee on Charitable Institutions.

By Mr. McVean:

H. B. 355. An act to readjust and fix salaries of assistant inspectors of mines.

To Committee on Mines and Mining.

By same:

H. B. 356. An act to perpetuate and preserve the old State Capitol Building.

To Committee on State Capitol.

Mr. Bradley moved that the reference of H. B. 346—supra—be changed and that said bill be referred to the Committee on Education No. 2 instead of Suffrage and Elections.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Brooks and Graves were as follows, viz:

Those who voted in the affirmative were—

T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
J. T. Buford,
S. M. Carson,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
Z. A. Clore,
Z. T. Coleman,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
F. E. Graves,
L. B. Herrington,
J. H. Lackey,
L. C. Littrell,
J. H. McWaters,
Ben E. Niles,
S. P. Parks,
W. V. Perry,
J. F. Porter,
L. R. Ray,
Geo. W. Reid,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. M. Russell,
W. H. Shanks,
Herman Southall,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
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Those who voted in the negative were—

R. H. Akin,
J. W. Berkshire,
Eli Berry,
J. M. Blair,
Frank J. Brown,
L. H. Carter,
J. R. Claypool,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
Robt. L. Harris,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
H. L. Lewis,
Hugh Mahin,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
W. A. Price,
R. A. Read,
G. T. Reynolds,
H. T. Rich,
S. C. Roberts,
Samuel L. Robertson,
H. A. Schoberth,
S. A. Shanklin,
W. L. Shearer,
J. J. Taylor,
Geo. C. Waggoner,
L. F. Withers, —51

A communication was received from the Governor as follows:

Office of the Governor,
Frankfort, Ky.,
January 27, 1910.

To the Members of the General Assembly:

Governor and Mrs. Willson request the pleasure of the company of the Members of the General Assembly and their families and friends at the Mansion, Tuesday night, February, 8th, eight to eleven o'clock.

Mr. Geo. W. Read moved that said invitation be accepted and that thanks be returned to the Governor and Mrs. Willson for their courtesy extended.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 2. An act to enable cities of the First Class to construct a public hospital.

2. S. B. 4. An act to provide for the teaching of the elements of agriculture in the public schools in this Commonwealth.

3. S. B. 78. An act to repeal an act entitled, "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of the Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the penitentiaries, Houses of Reform and State Reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole; and, to that end, for the appointment of an employment agent, to define his duties

and fix his compensation and to further provide for the final discharge by the said Board, of paroled prisoners who shall have been obedient to the terms of their paroles.

Ordered, that said bills be printed and referred,

1. To Committee on Municipalities.

2. To Committee on Education No. 1.

3. To Committee on State Prisons and Houses of Reform.

At eleven o'clock a. m. the House took up for consideration the special order for that hour, to-wit:

A bill entitled,

H. B. 146. An act to amend an act entitled, "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898.

Mr. Shanks moved that said bill be re-committed to the Committee on State Prisons and Houses of Reform.

Said motion was agreed to.

At 11.15 a. m. the House took up for consideration the special order of the day for that hour, to-wit: a bill entitled,

H. B. 147. An act to amend and re-enact Section 20 of Chapter 65a, of Kentucky Statutes of 1903; to provide for the maintenance of the House of Reform for boys and the House of Reform for girls and the inmates thereof and to provide for the payment into the State Treasury of the revenue derived from said Houses of Reform.

Said bill reads as follows, viz.:

AN ACT to amend and re-enact Section 20, of Chapter 65 A., of

Kentucky Statutes of 1903; to provide for the maintenance of the Houses of Reform for Boys and the House of Reform for Girls and the inmates thereof, and to provide for the payment into the State Treasury of the revenue derived from said Houses of Reform.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 20, of Chapter 65 A., of the Kentucky Statutes of 1903, be and the same is amended by striking out subsections 1 and 2 thereof and so amending the same as that said section as amended will read as follows:

§ 20. The children of white and colored races committed to said institutions shall be provided with separate apartments.

§ 1. The superintendent of the Houses of Reform shall, when and as the same are received, pay into the State Treasury, the proceeds of the labor of the inmates and all other income and receipts of the said institutions and take receipts therefor.

§ 2. The expenses of the said institutions shall be paid out of the State Treasury. The superintendent thereof shall, at the end of each month certify to the Board of Penitentiary Commissioners all bills, accounts and other indebtedness and expenses of the institution, or on behalf of the inmates thereof, incurred during the preceding month, including the salaries of all officers and employes thereof; and shall furnish said board itemized statements of all such claims, and upon approval thereof by the Board of Penitentiary Commissioners, certified by the chairman thereof, the Auditor of Public Accounts shall draw his warrant in favor of the claimant therefor on the State Treasury, and same shall be paid.

§ 3. But it shall be lawful for the said superintendent to use and apply, in kind, to the maintenance of the said institutions and inmates

thereof any and all the products of the farm, dairy and other departments or industries of the institutions.

Ordered that said bill be read the third time.

The constitutional provision as to third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
Eli Berry,
J. M. Blair,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
W. L. Craig,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
J. H. Evans,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,
A. H. Points,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
Ben E. Niles,
S. P. Parks,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
W. A. Price,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
W. F. Welch,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

J. W. Perry,

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Mahin of the Board heretofore selected and sworn to determine the contest to a right to a seat in this House, as Representative from the Ninety-second Representative District, composed of the counties of Breathitt, Lee and Magoffin, in the case of R. C. Hill, Contestant versus J. H. Evans, Contestee, offered the following report, viz.:

House of Representatives,

General Assembly of Kentucky.

R. C. Hill ----------Contestant

vs.

J. H. Evans ----------Contestee.

Report of the Contest Board.

Your Committee having considered the evidence and exhibits and heard the arguments of counsel in the above styled contest submit the following report:

The contestant was the regular Democratic nominee and contestee the Republican nominee in the Ninety-second Legislative District composed of the counties of Lee, Breathitt and Magoffin. The certificate of election was awarded to the contestee on the face of the returns showing a majority in his favor of fifty-eight. The contestant claims that he received a majority of the legal votes cast

in said election and is therefore entitled to hold the office for the following reasons:

First. Failure of the County Board of Election Commissioners to count the returns in Spring Fork Precinct No. 12 in Breathitt county.

Second. Intimidation and fraud practiced by the supporters of contestee in John D. Lewis Precinct No. 7 in Breathitt County whereby the adherents of contestant were prevented from voting.

Third. Unlawful presence of troops at the polls in Crockettsville Precinct No. 8 in Breathitt County whereby contestant's supporters were overawed and intimidated.

The contestee in a counter notice charges that in the Oakdale Precinct in Breathitt County, which gave contestant a majority of eighty-six, the election was not by secret ballot and contends that said precinct should not be counted.

Your committee after considering carefully all of the evidence finds as follows:

In the Spring Fork Precinct No. 12 in Breathitt County the polls were regularly opened at 6 o'clock and the election proceeded regularly until about 11 o'clock when a worker for the Republican ticket raised a disturbance and shot the Democratic challenger and in turn was himself killed. The people disbursed. The clerk of the election fled with the ballot box and no further attempt was made to proceed with the election. Up to this time eighty votes had been cast, the precinct contained one hundred and eighty voters. Three days later the officers of the election except the sheriff took the ballot box to Jackson and upon advice of counsel opened it, counted and certified the returns. The keys to the ballot box all the while remaining one in possession of the Democratic and the other in possession of the Republican judge. The ballots showed sixty-three votes for contestant

and seventeen votes for contestee, a majority for contestant of forty-six. Contestant contends that whereas he received a majority of forty-six in a total vote of eight it is fair to presume that he would have received equally as large or greater majority of the remaining 100 votes who were denied the right to vote, and he introduced evidence sustaining this contention.

We are of the opinion, however, that the law does not authorize the counting of the vote in this precinct. A large percentage of the qualified voters having been disfranchised the election was not fair and equal and under our Constitution, Section 6, providing that all elections shall be fair and equal it would not be proper to count this vote. In addition to this the votes were not counted as required by law and were not counted at all until three days after the election was held. We therefore find that said Spring Fork Precinct should not be counted.

In the Crockettsville Precinct No. 8 the evidence shows that at the request of the Circuit Judge the Governor sent the Company of State militia to Jackson on Sunday night before the election and that on Monday, the day before the election, they were sent to the Crockettsville Precinct where they remained during the election. The Circuit Judge testified that owing to conditions in that precinct he was of opinion that troops were necessary to protect the lives of the citizens and to preserve peace. This precinct gave a majority of 25 to contestee. It was shown that the captain of this company at the close of the polls went into the voting room and assisted in counting the vote. There is no evidence that his presence in the voting room in any way produced any change in the result, but on the contrary the evidence shows that the vote was correctly counted. There is no evidence that the presence of these soldiers deterred any voter from a free expression of his preference by the ballot and in the absence of evidence we are unable to say just how far, if at all, the use of troops in this precinct influenced the voter. While we do not desire to endorse the practice recently indulged in in Kentucky

of calling out troops on election day, we do not think the evidence warrants us on that account alone to disregard the vote cast in that precinct. We therefore find that the vote of said Crockettsville precinct as certified by the election officers should be counted for contestee.

In the John B. Lewis Precinct No. 7 it is alleged that the official ballots were taken from the clerk of the election by an armed crowd of unknown parties as he was going to the voting place on the morning of the election and destroyed. He reported this fact to the officers of the election in the course of an hour. The ballots were found in the river and brought to the election room. They were wet and spoiled and the officers of election decided they could not be used. The evidence shows that about 7:30 o'clock on that morning that one Sam Callahan accompanied by twelve or fifteen men, each armed with Winchester rifles or shot guns, rode up to said voting place and announced that he had a set of ballots and intended to move the voting place to his house and not a damn one of you Democrats shall put a stencil on the paper. Callahan and his crowd returned to his store, a distance of about a half mile and wrote a notice to the effect that the voting place had been moved; had notice signed by Republican Judge and Republican Sheriff of election. Callahan and this armed crowd returned to the regular voting place with a wagon and loaded it with the booths and hauled them to his place. The notice of change signed by the Republican Judge and Republican Sheriff was posted on the regular voting house.

The county clerk in the meanwhile had provided a duplicate set of ballots which the evidence shows were delivered to the Republican officers of election at 10:30 to 11 o'clock on the morning of the election and that a half hour later they opened the polls at Callahan's place and conducted an election. The returns from this precinct showed 150 votes for each of the Republican candidates and 16 votes for each of the Democratic candidates. The evidence that neither of the regularly appointed Democratic officers of election participated in holding the

election or voted. They both swore they were afraid to attend; that the officers of election who were selected in their place had been Democrats, but there was some evidence to show that they affiliated in this elction with the Republican party. That there were 250 voters in this precinct that 50 or more Democrats were present in the morning when Callahan made his threats and all of them went home and did not go to the place where the election had been removed. The Democratic candidate for jailer who was a resident of that precinct was present when the armed force moved the voting place and he went home and did not vote, the evidence showed that in this precinct the officers certified 150 votes for each Republican candidate and 16 votes for each Democratic candidate except in the case of the one for jailer who is certified as having 17 votes, while in every other precinct within the county, there being 15 precincts in all, there was much crossing in every race and no two candidates received the same number of votes. None of these facts are contradicted by the evidence. The Committee is of the opinion that the removal of the voting place by the Republican officers without the concurrence of the Democratic judge was unauthorized by law. Kentucky Statutes, Section 1143, provides:

"If for any good cause the election can not be held at the house appointed as the place of voting the judges of election may on the morning of election adjourn to the most convenient place."

There is no good cause shown for this removal except the loss or destruction of ballots. The judges of election did not adjourn. Neither is there any evidence from which we can conclude that it was adjourned to the most convenient place. The polls were not opened until 11 or 12 o'clock. The statutes provided that the polls shall be opened at 6 a. m. and remain open until 4 p. m.

In the case of Scholl vs. Bell, 125th Ky., in which the polls were opened at 11 oclock a. m., the Court of Appeals of Kentucky through Judge Lassing held that it made no difference whether the

polls were closed six hours in the forenoon or six hours in the afternoon the result is the same. But he contemplates that they remain open ten hours and it matters not which end of the day they are kept closed the result operates to disfranchise the voter and prevents the elections from being free and equal. In the Spring Fork Precinct the polls opened at six o'clock and remained open until 11 o'clock and were not opened again on that date. In the John B. Lewis Precinct they did not open until 11 and were kept open until 4 p. m. In each case they were kept open but five hours and the law provides that they should be kept open ten hours and the same rules applies in each case. See Scholl vs. Bell, 125th Ky. 784.

The election was not free and equal. A large per cent of the voters were disfranchised but intimidation and threats notified by an armed man in command of an armed force, armed with Winchesters and shot guns that they could not vote. The circumstances with the unlawful removal of the voting place the certificate of the election officers giving an equal number of votes to the candidates on the respective tickets the fact that election was in complete control of the supporters of one ticket all conduce to cast a suspicion on the validity of the returns as certified.

From these facts we can not escape the conclusion that there was no legal election held in the John B. Lewis Precinct and therefore no legal votes were cast in said precinct. And we find that said John B. Lewis Precinct shall not be counted in this case.

In the Oakdale Precinct the evidence shows that the Republican challenger, Republican sheriff and one of the Republican candidates for county office attempted to make an agreement to have an open ballot. They all swore that they made this agreement with the Democratic challenger. He took the stand and denied it. The proof is overwhelming that they did not have an open ballot but on the contrary every officer of the election save one and a great number of leading

citizens testified that it was as fair an election as they had ever seen. We find therefore that Oakdale Precinct should be counted.

Counting the votes of all contested precincts except John B. Lewis and eliminating the vote of said John B. Lewis Precinct from the count, we find that the contestant received of the legal votes cast in said election in the entire district 3826 votes and contestee received 3750 votes cast in said election making a majority for contestant of 76 votes and he was duly elected and is entitled to a seat in this House. Therefore, we, the members of said Board are of the opinion that the said contestant, R. C. Hill, was at the November election 1909 duly elected Representative from the counties of Breathitt, Lee and Magoffin and recommend that he be so declared.

HUGH MAHIN, Chairman.
W. R. WHITLOW,
W. H. SOUTHALL, JR.,
S. F. CRABTREE,
L. R. RAY,
W. H. NEWELL.

Mr. Waggoner offered the following amendment to said report, viz:

Strike out the recommendation of the Board and insert in lieu thereof the following, viz:

We declare that no legal election was held in said district and that the seat of Representative from said district in this House is vacant.

Mr. Shearer of said Board offered the following minority report, viz:

House of Representatives, General Assembly of Kentucky:

In contest case of R. C. Hill, contestant, vs. J. H. Evans, con-

testee, from the Ninety-second District of Kentucky, I beg to make the following report:

The district is composed of Breathitt, Lee and Magoffin counties. As to Lee and Magoffin the validity of election is unquestioned, the returns of which show Evans, contestee, received 440 majority.

In precincts Oakdale and John B. Lewis (Spring Fork having been eliminated by the court) in the county of Breathitt there were irregularities in conducting elections. The undisputed facts show that the voting booths in Oakdale were not provided curtains that election officers could readily have seen how each man voted and that every voter, who so desired, was allowed to vote openly on the table in the presence of officers without being sworn. The record further shows the total number of votes cast in said precinct to be only 194 when in fact 234 ballots were counted as voted, which is likewise undisputed. The evidence shows that by an agreement entered into by and between election officers there was to be and was an open election held, and from time to time during election day the election officers, both Democratic and Republican, communicated to men on the outside as to how certain voters had voted. Hill, contestant's majority in said precinct was 84.

Elihue Reynolds, regularly appointed clerk, Democrat, of John B. Lewis voting precinct, stated as he, with four associates was going to polling place before daylight on the morning of election he was held up by a band of men and robbed of ballots. Note: None of said Reynold's associates were called to corroborate his statement nor even to testify. Owing to a rumor, to the effect that said ballots would be destroyed as precinct was largely Republican, and in anticipation of which, the county clerk had procured a duplicate set of ballots for same. Immediately after Reynolds announced that he had been robbed of the ballots and there would be no election held, the telephone wires having been severed, two men were dispatched to Jackson for the duplicate ballots, who returned with same about

10 o'clock a. m. The place of voting was moved about 300 yards (though both judges did not concur), and election was legally conducted and record shows Evans received 134 majority.

To throw out all the precincts, which are in question, even the one court enjoined, and contestee is elected. To count all, the face of returns elects contestee.

To throw out Oakdale and John B. Lewis precincts, elects contestee, to count Oakdale and John B. Lewis elects contestee. Therefore I am not disposed to subscribe to a report that counts one and throws out the other to seat contestant when the irregularities were equally glaring.

Respectfully submitted,

LOGAN SHEARER,
Member of Committee.

Said minority report was disagreed to.

The yeas and nays being required thereon by Messrs. Carter and Mahin were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	L. W. Francis,	H. T. Rich,
T. M. Bertram,	S. B. Johnson,	Farris Roberts, Jr.,
J. M. Blair,	W. G. Keen,	W. L. Shearer,
S. M. Carson,	H. L. Lewis,	E. E. Trivette,
M. G. Colson,	S. P. Parks,	J. W. Turner,
Albert J. Counts,	G. H. Plitt,	Edward A. Weber,
Wm. S. Dean,	R. A. Read,	W. F. Welch. —21

Those who voted in the negative were—

R. H. Akin,	Eli Berry,	V. A. Bradley,
J. W. Berkshire,	J. O. Bogie,	O. Houston Brooks,

Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
Herman Southall,
John S. Steers,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
—64

The amendment offered by Mr. Waggoner to the report of the majority of said Board was disagreed to.

The yeas and nays being required thereon by Messrs. Harris and Turner were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
T. M. Bertram,
J. M. Blair,
S. M. Carson,
M. G. Colson,
Albert J. Counts,
W. B. Creekmore,
Wm. S. Dean,
L. W. Francis,
Robt. L. Harris,
S. B. Johnson,
W. G. Keen,
H. L. Lewis,
S. P. Parks,
G. H. Plitt,
R. A. Read,
H. T. Rich,
Farris Roberts, Jr.,
W. L. Shearer,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch, —24

Those who voted in the negative were—

R. H. Akin,
J. W. Berkshire,
Eli Berry,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
Samuel D. Hines,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
Herman Southall,
John S. Steers,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
—63

The following pair was announced, viz:

Mr. Reynolds with Mr. Patrick.

Mr. Reynolds, if voting, would vote in the negative.

Mr. Patrick, if present and voting, would vote in the affirmative.

The report of the majority of said Board as set out above and the recommendation contained therein was adopted.

Said Board was granted leave to file a supplemental report on some future day.

And then the House adjourned.

FRIDAY, JANUARY 28, 1910.

The House was opened with prayer by the Rev. R. L. Cowan, of the Presbyterian Church, Southern Assembly.

The Clerk of this House presented and read the following communication, viz:

HOUSE OF REPRESENTATIVES,

Frankfort, Ky., Jan. 27, 1910.

JAMES E. STONE, Chief Clerk, House Representatives,

DEAR SIR: I hereby designate Hon. H. A. Schoberth to act as Speaker Pro Tem for five days or until I shall have designated some other member.

GEORGE S. WILSON,
Speaker House Representatives.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Withers presented the petition of sundry citizens of Meade County asking the passage of the bill now pending in this House proposing to grant the right of suffrage to women in school elections.

1. Which was received, its reading dispensed with and referred to the Committee on Suffrage and Elections.

The following petitions were presented, viz:

2. By Mr. Moore. The petition of sundry citizens of Hickman County remonstrating against the passage of a bill to increase the license tax on persons who sell family and veterinary medicines from wagons.

3. By Mr. Riherd. The petition of sundry citizens of Barren County asking for the repeal of the present school law commonly known as the new school law.

4. By Mr. Mahin. The petition of sundry citizens of Jessamine County asking for the enactment of a law to prohibit the trapping of all game for years.

5. By Mr. Frazier. The petition of sundry citizens of McLean County remonstrating against the passage of a bill providing for an increase of license tax on persons who sell family and veterinary medicines from a wagon.

6. By Mr. Brooks. The petition of sundry citizens of Graves County asking the passage of a bill now pending in this House known and designated as House Bill 45.

7. By Mr. Brooks. The petition of sundry citizens of Graves County remonstrating against the passage of Senate Bill No. 23.

By Mr. Brooks. The petition of sundry citizens of Graves County asking for the passage of the bill now pending in the interests of amedical department at the State University.

9. By Mr. Points. The petition of sundry citizens of Bath and Rowan Counties remonstrating against the repeal of the law providing for a tax on dogs.

10. By Mr. Counts. The petition of sundry citizens of the town of Newfoundland in Elliott County asking for the passage of a bill to repeal the Charter of said town.

11. By Mr. Steers. The petition of sundry citizens of Grant County asking the passage of a bill now pending in the interest of the Medical Department at the State University.

12. By Mr. Waggoner. The petition of the officers and sundry members of the Christian Church at La Grange, Kentucky, of the Methodist Church, at Lagrange, Kentucky, and of the Baptist Church at LaGrange, Kentucky, asking the passage of a bill now pending and known as the County Unit Bill.

13. By Mr. Waggoner. The petition of the officers and sundry members of the Highland Baptist Church at Louisville, Kentucky, asking the passage of a bill now pending known as the County Unit Bill.

Said petitions were received, their reading dispensed with and referred,

2 and 5 to the Committee on Public Health.
3 to Committee on Education No. 1.
4 to Committee on Fish and Game.
6 and 7 to Committee on Insurance.
8 and 11 to Committee on State University and Normal Schools.
9 to Committee on Agriculture.
10 to Committee on Cities of the Fifth and Sixth Class.
12 and 13 to Committee on Public Morals.

A message in writing was received from the Governor as follows, viz:

To the Senate and House of Representatives:

GENTLEMEN: In pursuance of my duty under the Constitution, I submit to the General Assembly further information of the state of the Commonwealth, and recommend to their consideration further measures herein set forth.

The dissatisfaction with our system of taxation, among men of the highest character in every line of life and business, and the strong showing of inequality, hardship, wrong and unfairness, directly caused by the constitutional provision which was framed to secure equality, has become so great and so earnest that I have taken steps to find out the facts and submit them for the General Assembly to consider and decide whether our system is good or bad, and if bad what changes ought to be made. The Governor is not an expert on taxation nor taxed enough to bias his judgment or action either way.

The constitutional limit of legislative sessions to sixty days makes it hard to handle, satisfactorily to the General Assembly itself or to any one else, this, or any subject which needs long or careful study. Measures for the general welfare often come before you with slight care or preparation, backed only by sentiment and often ill fitted to bring to pass the result needed.

The subject of taxation, studied and worked on for centuries, is to-day nearly as far from wise or sensible treatment as it has been for ages, and can never be wisely settled by any offhand or hurried work, and every time that it has been considered by the General Assembly, under the limitation of sessions to sixty days, every member who has given the subject thought or care has felt that there was not time enough. There cannot be any more time given, and that fact has made it necessary to take some measure to make it possible to give the subject proper care and handle it with proper information in the time we have. To this end the Governor was asked to appoint a body of competent men to make plainer just what our present system is, to see how it works out, to say whether it is bad or good and what faults it has, if any; to compare our system with others, to submit any changes thought desirable and the reasons for them, and to make a report to the Governor for him to submit to the General Assembly for its consideration and decision.

The Governor decided that it was his duty to ask a number of well and favorably known men to make inquiry and report, that he might be better advised in communicating to the General Assembly, as required by the Constitution, whether any changes in the tax laws were desirable, and in December, 1908, twenty-six well and favorably

known men of high character, fairly representative of sections and occupations, were asked to advise me unofficially. Attorney-General Breathitt, the law adviser of the State Government, as chairman of the Tax Commission of seven men, with Messrs. William A. Robinson, merchant, of Jefferson county; Judge J. W. Cammack, of Owen, member of last State Tax Commission; William H. Mackoy, lawyer, of Kenton; the Hon. John K. Hendrick, lawyer, of McCracken; Lieut.-Gov. William H. Cox, of Mason, and the Hon. John F. Hager, lawyer, of Boyd; were asked to be the Tax Commission. Five of the seven were lawyers, because studying and drawing up laws required professional ability and knowledge.

Senator Thomas A. Combs, as Chairman, and eighteen other gentlemen, choosing two for each of nine different important classes of business and property, Messrs. H. M. Froman and J. N. Camden on agricultural interests; Daniel F. Murphy and O. H. Waddle on real estate in cities and towns; John B. Atkinson and J. C. C. Mayo on mining and lumber; W. F. Schuerman and Clarence R. Mengel on manufactures; Alex T. Pearson and Alvah L. Terry on mercantile interest; Charles E. Hoge and A. Y. Ford on financial interests; W. O. Davis and John T. Shelby on corporations; J. W. McCulloch and the Hon. C. U. McElroy on personal property, and John P. Starks and James A. Rudy on retail merchants of Kentucky, were invited to study the subject and advise from the standpoint of those to be taxed. The Governor wished that the advice should be strictly nonpartisan, and in choosing from names which he thought of or which were mentioned, did not consider party, and until their report was made had never noticed or known which party had most of the members, but, on looking it up, found that of the Commission five are Democrats, Messrs. Hendrick, Cammack, Hager, Mackoy and Robinson, and two Republicans, Messrs. Cox and Breathitt. Of the nineteen advisers it is believed that twelve are Democrats, Senator Thomas A. Combs, of Fayette; Mr. H. M. Froman, of Carroll; Mr. J. N. Camden, of Woodford, Mr. Daniel F. Murphy, of Jefferson; Mr. J. C. C. Mayo, of Johnson; Mr. Alvan L. Terry, of Jefferson; Mr. Charles E. Hoge, of Franklin; Mr. W. O Davis, of Woodford; Mr. A. Y. Ford, of Jefferson; Mr. C. U. McElroy, of Warren; Mr. John P. Starks, now of Jefferson; Mr. James A. Rudy, of McCracken, and seven Republicans, Mr. O. H. Waddle,

of Pulaski; Mr. John B. Atkinson, of Hopkins; Mr. W. F. Schuerman, of Carroll; Mr. C. R. Mengel, of Jefferson; Mr. A. T. Pearson, of Fayette; Mr. John T. Shelby, of Fayette, and Mr. J. W. McCulloch, of Daviess. The invitations stated that there would be no compensation for their work, but the General Assembly would be advised to pay their actual, reasonable and necessary expenses.

The two commissions met during 1909 at Frankfort on January 4, to organize and November 15 and December 18 to complete and report their work and meetings, to which all citizens were publicly invited in the papers and which were attended by many people showing great interest, have been held by the advisory commission at Frankfort, March 20, Louisville, April 24, Henderson, May 27, Owensboro, June 18, Estill Springs, June 30, Paducah, July 3, Paris July 17, Mt. Sterling, July 23, Danville, July 30, Lexington, September 16 and Winchester, October 14. Advice and suggestions were publicly invited from everybody at these meetings and further invited far and wide in the newspapers. These gentlemen have worked long and hard and earnestly to get the truth and learn the needs and wishes of the people. The Governor, speaking for the people, thanks them sincerely for their great patience, care and pains to do the work honorably, faithfully and well. Their report is honest, just, wise and of the greatest usefulness not only in helping the Governor, but of exceptional and lasting value and use to the people and especially to the members of the General Assembly in considering this vitally important subject. It is presented to me as the unanimous report of all who were chosen on the commissions. As no one of them was ever asked as to his opinions before he was invited, the agreement of twenty-six men of their standing and independence and of different parties is strong evidence that their decision is practically sure to be right, true and safe, and after reading it, the Governor now joins in their report and sends it to the General Assembly with his earnest praise as worthy of the best traditions of Kentucky sense and public spirit. There is no need to report it here. It will be printed and furnished to every member.

Our present system puts all kinds of taxable property in one class, all taxable at its fair salable value, at the same rate on each $100 and all subject to State and county tax and in cities to city tax.

This on its face subjects city property and residents to one more tax, the city tax, than all others. The Constitution adopts what is called in the books the general tax system, the basis of which is that all classes of property shall be taxed at the same rate and under the same method regardless of the many and very great necessary differences in the condition and character of all taxable properties. This rule of the same tax on every kind of property seems just and reasonable on first thought, but very little study makes it clear that it is most unequal and unjust in its results.

If all property were or could be listed and taxed, and if it were not the fact that fully one-half of the property, and that owned by those best able to pay tax is not listed and cannot be made to pay, the harm would not be so great. But under our rule now the full tax is levied and collected on farms and homes and visible personalty and from those not so well able to pay. The bondholder can move or not list his bonds and collect the interest and pay no tax, while the farm owners and home owners cannot hide their visible property and must pay the cost of the Government which gives the bondholder who pays no tax the same protection given those who pay all of the tax.

There is no subject which can come before you which is of greater importance. Our present system wrongs the people, holds back the development of the State, drives out of the State large sums of home capital, frightens away outside capital and causes almost universal evasion of all taxes on personal property, making the farmers and home owners pay almost all, certainly more than their just part of the expenses of government, while owners of securities and moneys, although better able to pay, escape their share of the burdens. It is clear that they are not taxed now, that putting the same general property tax on such property that is put on visible property, instead of taxing all alike, taxes the owner of the visible property and practically no one else; in other words, destroys, instead of securing equality.

It is equally clear that safe bonds and stocks, which pay 4 to 6 per cent. interest are of little profit or support if two or three cents, or more, of the 4 or 6 per cent. interest is taken for city, county and State taxes. We are going to what other States have come to,

the necessity of changing the tax on such investments to such a part of the income as will leave the investment worth holding.

Experience of other States shows that the assessment of such property and the revenues from it quickly multiply many fold as soon as the law is changed, so that it is taxed what it can reasonably bear, what any upright citizen would think reasonable.

Our tax law keeps out many whom we wish to come in. It drives out of the State the safest securities. It condemns orphans and widows to starvation incomes on safe securities or to buy less safe investments bearing greater interest.

Our system is ruinous, unequal, unfair and breeds perjury and contempt for law. It is oppressive to wards of small estates. It ought to be changed without any avoidable delay. Massachusetts has $800,000,000 in savings banks, and it is loaned to those who borrow, on good security, and it is a bonanza to depositors and those who need to borrow. Kentucky has $11,000,000, or a little over one hundredth as much, although certainly more than one hundredth as rich. Savings banks generally only pay 3 per cent. on deposits, and in Paducah or Frankfort the city tax alone would take the whole interest. Paducah ought to and Frankfort might soon double its business on savings bank and other time deposits, but how can it have time deposits unless the depositors escape tax by swearing they have no deposits? A Paducah owner cannot mortgage his property for a loan to a resident because the lender cannot afford to pay more than 4 of his 6 per cent. for taxes. The mortgages must be made to a nonresident of Kentucky or it cannot be made at 6 per cent.

The Constitution, in guarding against bad tax changes, locked the vault door and threw away the key to good changes. I believe that if this tax system, confiscatory on investment incomes, had not been adopted we should have in Kentucky now $200,000,000 of savings bank deposits, which would double our business chances.

I commend to your most favorable consideration the constitutional amendment which these gentlemen unanimously present, and hope that it can be practically unanimously adopted by you.

The suggestion of a tax commission is also approved. The new tax law should be given more care, time and study, not only in its substance, but in its correct framing and wording, than can be given in a sixty-day session.

It should take enough time and have the details and investigation work done and the bill prepared for the next General Assembly to consider and decide on as soon as a constitutional amendment may be passed. Every year of delay makes the hurt and loss more ruinous.

The institutions for the insane and feeble-minded have been admirably managed and greatly improved under the bipartisan Board of Control. The act was adopted so late in the session, the last day, March 17, 1908, that I could have vetoed it and had Republican control succeed the Democratic control. The approval of the bipartisan bill cut off almost all chance to put, Republicans in place of Democrats, which many earnestly wished. They insisted that the Democratic majority did not pass the bill to keep politics out, but to keep Republicans out.

But the bill was approved March 21, four days after the adjournment, and all appointments and removals have had the approval of the board, composed of two Democrats and two Republicans. It was plain then and the new law has proved that partisan control was bad for the institutions. But the old ideas were so hard to change that it was published that the board had a plan to divide the asylums between the two parties, which would have been manly, if not all but sportsmanlike in the Democratic members of the board; but it was determined and announced to the board by the Governor, both in person and by letters, that the spirit of the law must be upheld and there must be no division of offices and no removals or appointments for politics, and that all not useful should be destroyed, and all useful be kept; that the best time for the Republican administration to show faith in taking the asylums out of politics was when it cost the greatest sacrifice.

The Governor has never directly or indirectly had made any appointment or removal of any officer or employe of any of these institutions. He holds the board responsible for the results, and,

therefore, gives it absolute control. It is reported to him that while there has sometimes been a little delay in getting all to agree, all four members have agreed on every point but four. No Democrat could be removed or Republican put in his place except by consent of at least one Democrat, and if the suggestion to repeal the bipartisan law were carried out, there could be no great party gain, as there have been few changes, and those not made for any partisan purpose. Almost all those drawing pay for services now have held over from the last administration, and a large majority of all are Democrats, but the helpless patients are properly cared for, employment of attendants can no longer be given or assessments made for political advantage or influence, and there have been far better care, results and conditions than possible under the old system. In spite of the great increase in cost of food, clothes and everything else, the board has been able to decrease the cost of fuel about $20,000 a year, to make many important changes in machinery, buildings and all other improvements out of their per capita income, and the patients have never, in the history of these institutions, been as well cared for as under this new law. There has been a very great improvement in the purchasing system, and there is no possible chance for personal or political favoritism in the purchasing supplies and apparatus.

In one matter—that of forcible restraints by padded cells, straight-jackets and other harsh means—the Governor has from the start taken deep interest, and urged that this treatment should be discontinued, and required that the board should send him every week a list from every asylum showing the name of every person forcibly restrained, every date, the number of hours of each patient's restraint each day, the name of the doctor who prescribed the treatment and the reason.

It soon turned out that forcible restraints which many honestly believed could not be dispensed with, were almost never, if ever, necessary. In one quarter there had been reported seventy thousand hours of this harshness, or more than five thousand hours a week of padded cells, straight jackets, tying in chair, strapping down or wristlets, and this, not of bad people, but sick people under fearful nervous strain, a rate of two hundred and eight thousand hours a year of tortue of patients being restrained for the misfortune of disease

and not of crime. At the Western Asylum all of these implements of torture have been taken away and locked up, and there is practically no restraint, and in the others practically no restraints are inflicted, and such restraints went down from more than five thousand hours a week to less than one hundred hours or less than two hours for every one hundred hours before. This should be welcome news to the great multitude of our people who have relatives or friends in the asylums, and a great pleasure to every one who has humane feelings and sympathy.

Good use has been made of the appropriations of the last Legislature. Every dollar brought a dollar's worth of results.

The members of the Board of Control have been faithful, honest, careful, sensible and humane in all that they have done. They have not permitted political assessments, they have not discharged nor employed anyone on partisan grounds; they have not used their powers in partisan activity.

No public board ever did better work, or got better results or more for the money than this board. I am glad to thank the board for faithful, useful service, and I am glad that I approved the bi-partisan bill, and commend its results and recommend that it be continued and that our State should never again let these charities become the prey of partisan politics, but that, on the contrary the penitentiaries and school of reform be taken out from partisan control and placed in charge of the board under the same plan, with a reasonable additional salary for the additional work on the same principle on which $600 a year was paid the Prison Commissioners for care of the reform school.

I present with this message, for further details, the reports of the board and of the superintendents.

There are some things that are so seriously needed that in spite of the condition of the State funds I feel it my duty to commend the requests to favorable consideration.

The request for appropriation for water supply at Lakeland

seems vitally needed. For months the danger of fire, with not enough water to put it out, was the theme of anxious consultations and all possible vigilance in precautions, fire drill and trying fire signals at unexpected times to test the promptness in responding. The water from ponds almost dry, with foul smelling and green, slimy water for human beings to use, the danger of typhoid and other diseases from it, the sinking wells, examining for all possible water supply and the anxiety for relief talked over and over day after day until it seemed relief would never come and the drouth never end.

It will be a great fault which we may well fear will be punished by holocaust or epidemic if this need is not supplied quickly.

The new building for the institute for feeble-minded children is one of the best public buildings for the purpose that I have ever seen, and was made necessary by the increased number of the unfortunates sent there, while some who needed to come could not be taken care of and were kept in county jails or poorhouses.

The old, worn-out power house, boiler and engine already overloaded, could not possibly furnish the heating and hot water for the new building, and it was absolutely necessary to build the new power house, and I finally consented to and do recommend the appropriation for. It was a rigid necessity.

I do not believe that four physicians, to care for 1,400 insane people at Lakeland, can give them the care needed for their bodily ailments alone, and can do almost nothing for their mental troubles. I do not believe the salaries for the physicians, fixed when living cost far less, is nearly large enough. We have been very lucky to get such superintendents and assistants as we have for this pay. It should be increased to make sure of the best results. There should be two more doctors at Lakeland and one more each at the Western and Eastern asylums.

There is undoubtedly great need of hospitals at these two places and for separate buildings for the men and women nurses, attendants and other employes instead of their living in the wards at the insane asylums.

Humanity cries out to separate those in asylums and prisons who have tuberculosis from those who have not. The buildings at the Eastern and Western asylums for colored people are untenantable and unworthy of Kentucky. Plain, safe, sensible healthy buildings should be put up for them. They and all State buildings put up hereafter ought to be fireproof. The State ought never to have to pay insurance and it ought never to be possible for a State building for prisoners or patients to be made a crematory for living people.

The Legislature has the power to repeal the bipartisan law and put the insane asylums, institute for the feeble-minded and the State's helpless wards back under political control, but I submit that it is contrary to humanity and the best interests of the patients and the wishes of the people of the State to do this. It cannot be truly claimed that the bipartisan law has been a failure. The testimony of the superintendent at Lakeland, who was under the old board and continued under the new, and of the other superintendents, shows conclusively that the conditions have been improved. A repeal of this law would be conclusive evidence that it was not passed for humanity or better management, but to prevent a change in the control of the officers and employes. I do not believe this to be true of any but a small number of those who voted for it. I believe that they did it in good faith and because they thought it was right. I have never gone over the roll of officers and employes, but I am sure that with two staunch Democrats on the board at all times and under my constant requirement that politics should have no part, nearly all of the employes and most of the officers have held over.

The procedure in lunacy inquests is not good. It leaves room for frightful mistakes. The best and most approved procedure now requires examination by two competent physicians, and ought to be compulsory in every instance.

I recommend a statute to provide that no one shall be sent to any asylum for the insane until after a careful examination by two reputable physicians and a written statement by them showing that the patient is insane, that the disorder is not due solely to epilepsy, and giving the history of the case. If these were local physicians and called by those seeking to have the patient adjudged insane, they would

be under local pressure. They should be appointed and paid a reasonable amount for their time and their actual and necessary and reasonable traveling expenses. A jury should be required if the patient or family or friends asked it, but not unless requested.

The estimates of Frank M. Andrews, the architect, are as follows:

Architectural approach north side	$ 45,000
Mural decorations and painting	137,000
Light standards	28,000
Sculpture at main entrance	40,000
Marble settees	5,000
Distribution of water on grounds	5,000
Changing scagliola to marble in Senate and House	30,000
Architect's fees, etc.	16,000
Total	$306,000

I recommend an appropriation of $300,000, or so much thereof as shall be necessary to pay for any ground which shall be deemed necessary, and to complete the grading, landscape work, roads, paths, trees, planting and sodding, approaches and all work or fixtures for the building or grounds, and to carry on the work of decorating the building, grounds and approaches and all repairs needed. This work will need constant supervision and care, and this can be given without additional expense by continuing the Capitol Commission in charge of it.

As it has been impossible to agree upon a reasonable price for some of the lands which we have secured, I ask the General Assembly to enact a measure which will authorize the commissioners to condemn lands, which shall, in their judgment be necessary or desirable for adding to the Capitol grounds and approaches, and land on the river opposite the power house as a landing for coal for the use of the power house, so that coal can be taken from barges in the river, and to run the sewers and waste pipes and other conduits from the Capitol and grounds and power house to the river. The report of the superintendent and the architects, Mr. Andrews and Olmstead Bros., all

of the records and accounts of the Capitol Commission and the accounts of all moneys expended for the Capitol are placed at the service of the General Assembly and its committees and members at all times, and they are all requested to examine them and become thoroughly informed as to all that has been done and what is needed.

The Kentucky Institution for the Blind, a noble institution, asks an appropriation of $40,000, a bill for which, I believe, has been introduced, to repay interest paid on moneys borrowed before the appropriation was available, and for improving and extending teaching facilitites; repairs and fencing; installing electricity; building retaining walls to preserve the State property, and an addition to the colored department, all of which are greatly needed.

The Governor recommends that a Governor's mansion be built near the new Capitol; that the sight of the present mansion be used as a prison hospital, and that the old Capitol be sold for $100,000.

Later in the session when I shall have further reports I shall submit to the General Assembly some suggestions on the condition and needs of the schools, penitentiaries, the militia, good roads, pollution of streams, the income tax amendment to the Constitution and perhaps other subjects.

Respectfully submitted,

AUGUSTUS E. WILLSON,
Governor of Kentucky.

The Speaker laid before the House the following communication, viz:

State of Kentucky
Office Auditor Public Accounts
Frankfort, Ky., January 26, 1910.

To the Hon. House of Representatives.

Gentlemen:

In compliance with the resolution of the House of Represent-

atives of date January 18, 1910, a copy of which is hereto attached, I beg respectfully to submit the following statements giving the information desired.

Respectfully,

F. P. JAMES,
Auditor.

The following is a list of Janitors, Porters, Groundkeepers, etc., as called for by concurrent resolution of the Senate and House of Representatives, for the years 1907, 1908 and 1909, in the old Capitol, employed by the various offices; giving salaries per month.

Office	1907 Salary	1908 Salary	1909 Salary
Board of Control	$25.00	$35.00	$25.00
Insurance Dept.	35.00	35.00	35.00
Pen. Prison Com'r	20.00	20.00	20.00
Pub. Offices (elevator man)	35.00	35.00	35.00
Executive Office	50.00	50.00	50.00
Librarian	35.00	35.00	35.00
Treasurer's Office	50.00	50.00	50.00
Land Office	15.00	35.00	40.00
Atty. Genl. Office	30.00	30.00	30.00
Court Appeals	5.00	5.00	5.00
Auditor's Office	30.00	50.00	50.00
R. R. Com'r	25.00	35.00	50.00
Adjutant-General	25.00	35.00	35.00
St. Insp. and Examiner	10.00	10.00	
Agricultural Office	25.00	50.00	50.00
Cus. Pub. Bldgs.	35.00	50.00	50.00
Cus. Pub. Bldgs.		15.00	15.00
Sec'y State		40.00	40.00
Night Watchman (Public Bldgs.)		50.00	50.00
Supt. Pub. Inst.	40.00	40.00	45.00

The following is a list of monthly salaries of Porters, Janitors, etc., paid outside the Maintenance Fund, in the New Capitol:

Office	Salary
Adjutant-General's Office	$35.00
Attorney-General's Office	40.00
Court Appeals	5.00
Auditor's Office	50.00
Executive Office	50.00
Auditor's Office	40.00
Librarian	35.00
Public Offices	10.00
Treasurer's Office	50.00
Railroad Commission	50.00
Land Office	40.00
Secretary of State	45.00
Insurance Department	50.00
Board of Control	25.00
Agricultural Department	50.00
Prison Commissioners	20.00
Custodian Public Buildings	40.00
Custodian Public Buildings	15.00
Superintendent Public Instn.	50.00

The following is a list of salaries paid monthly out of Capitol Appropriation, Maintenance Fund.

Head Janitor	$100.00
Laborer	45.00
Laborer	45.00
Laborer	45.00
Laborer	45.00
Laborer	45.00
Char-Woman	30.00
Char-Woman	30.00

Carpenter (not now employed)	$81.00
Engineer, Power House	125.00
Assistant Engineer	100.00
Engineer (night)	75.00
Helper	50.00
Fireman	50.00
Fireman (night)	50.00
Electrician	75.00
Watchman	60.00
Watchman	60.00
Elevator Man	40.00

Which was read and ordered to be filed.

Mr. Chinn offered the following resolution, viz:

Whereas under the present management of the prisons of this State the lash is applied to the bare backs of the inmates of the prisons for short tasks, and other causes, upon the ipse dixit of the contractors in those institutions without an investigation by the Wardens or any other officers of the prisons as to the truth or falsity of the charges preferred by the contractors therein, and

Whereas, the inmates are constantly being put under the lash on account of the whim or caprices of the contractors or their superintendents of shops as a result of the action of the present Commissioners in specifically denying and withholding from the Wardens the right to inquire into any charge preferred against any of the inmates, and requiring the guards to prefer charges against any of the said inmates when requested so to do by the Superintendent of the shops, who are in the employ exclusively of the contractors, thereby inflicting the penalty of the lash or dungeon, or bearing on the part of any one, in violation of the spirit of the laws of this Commonwealth governing this institution.

Now therefore, be it resolved by the House of Representatives, that the Speaker of this House appoint a special committee composed of five persons who shall be members of this Body to investigate and report the finding concerning this barbarous condition, back to this Body. This should include both prisons and the State defray expenses therefor.

Mr. Russell moved that said resolution be referred to the Committee on State Prisons and Houses of Reform.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Harris and J. W. Perry were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	John W. Holland,	Marion F. Pogue,
J. W. Berkshire,	Hite Huffaker,	A. H. Points,
J. O. Bogie,	R. Dillard Hunter,	J. F. Porter,
O. Houston Brooks,	W. T. Kenton,	W. A. Price,
J. T. Buford,	O. M. Kelsey,	Geo. W. Reid,
S. M. Carson,	Wm. F. Klair,	G. T. Reynolds,
W. G. Caudill,	J. H. Lackey,	J. T. Riherd,
J. R. Claypool,	Hugh Mahin,	S. C. Roberts,
Z. A. Clore,	J. H. McWaters,	S. M. Russell,
M. G. Colson,	Don G. McVean,	H. A. Schoberth,
Peter J. Cosgrove,	Frank S. Moore,	S. A. Shanklin,
G. G. Frazier,	R. H. Moss,	W. H. Shanks,
Chas. W. Fulton,	Ben E. Niles,	E. E. Trivette,
H. T. Gartin,	L. C. Owings,	L. F. Withers, —44
F. E. Graves,	John C. Pirtle,	

Those who voted in the negative were—

W. D. Allbright,	L. B. Herrington,	R. A. Read,
L. H. Carter,	S. B. Johnson,	H. T. Rich,
J. P. Chinn,	W. G. Keen,	Farris Roberts, Jr.,

Albert J. Counts,	H. L. Lewis,	Samuel L. Robertson,
W. B. Creekmore,	L. C. Littrell,	W. L. Shearer,
Wm. S. Dean,	S. P. Parks,	J. J. Taylor,
L. W. Francis,	C. C. Patrick,	W. F. Welch,
T. D. Graham,	J. W. Perry,	J. H. Williams,
Robt. L. Harris,	W. V. Perry,	J. R. Zimmerman,
Samuel D. Hines,	G. H. Plitt,	

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Mr. Russell moved that the vote by which was agreed to be reconsidered and that that motion lie on the table.

Said motion was agreed to.

Mr. Klair moved that when the House adjourned to-day it be until Monday the 31st inst., at 12 o'clock Meridian.

Said motion was agreed to.

Mr. Graves moved that this session be extended until the call of the standing committees may be had and completed.

Said motion was agreed to.

Mr. Graves moved that the vote by which motion was agreed to be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Niles and Porter were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,	Z. T. Coleman,	F. E. Graves,
V. A. Bradley,	M. G. Colson,	Samuel D. Hines,
O. Houston Brooks,	Peter J. Cosgrove,	L. B. Herrington,
J. T. Buford,	H. C. Duffy,	John W. Holland,
J. P. Chinn,	G. G. Frazier,	Hite Huffaker,
Sidney G. Clay,	H. T. Gartin,	R. Dillard Hunter,

Wm. F. Klair,	L. R. Ray,	John S. Steers,
J. H. McWaters,	Geo. W. Reid,	E. E. Trivette,
Don G. McVean,	J. F. Richardson,	L. F. Withers,
C. C. Patrick,	J. T. Riherd,	J. R. Zimmerman,
J. W. Perry,	Samuel L. Robertson,	36—
John C. Pirtle,	S. A. Shanklin,	
W. A. Price,	W. H. Shanks,	

Those who voted in the negative were—

Frank J. Brown,	H. L. Lewis,	Farris Roberts, Jr.,
J. R. Claypool,	Ben E. Niles,	S. M. Russell,
Wm. S. Dean,	S. P. Parks,	H. A. Schoberth,
T. D. Graham,	W. V. Perry,	W. L. Shearer,
S. B. Johnson,	G. H. Plitt,	J. W. Turner,
W. G. Keen,	A. H. Points,	W. F. Welch,
W. T. Kenton,	J. F. Porter,	J. H. Williams,
O. M. Kelsey,	R. A. Read,	23—

The hour of 12 o'clock having arrived,

Mr. Graves moved that the consideration of the orders of the day be postponed for the day.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills of the following titles, viz.:

1. S. B. 5. An act to amend Section 3490, Sub-section 22 of the Kentucky Statutes, relating to Charters of cities of the Fourth Class.

2. S. B. 7. An act to amend Section 1157a of the Kentucky Statutes edited by the Hon. John D. Carroll and the edition of 1903 relating to holding persons for ransom.

3. S. B. 9. An act designating the twelfth day of October of each year a legal holiday to be known as "Columbus Day."

4. S. B. 11. An act to amend Chapter 89, Article 3, Section 3065 of the Kentucky Statutes.

5. S. B. 16. An act authorizing the county judges of counties containing a city of the First Class to appoint a general commissioner of the County Court.

6. S. B. 18. An act to repeal Section 1725 of the Kentucky Statutes and being Sections 6 and 7, Chapter 33 of the Acts of 1894.

7. S. B. 24. An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the Judge shall fail to attend or if in attendance cannot properly preside.

8. S. B. 31. An act giving power to certain counties to supplement the salaries of certain public offices and to ratify their action in respect thereto.

9. S. B. 79. An act to amend an act entitled, "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898.

10. S. B. 93. An act to provide for and to authorize the refunding and repayment of inheritance taxes where the amount of the legacy to each legatee was less that $500.

Said bills ordered printed and referred,

1, 3, 4, 5, 6 and 8. To the Committee on Municipalities.

2. To the Committee on Kentucky Statutes.

7. To the Committee on Circuit Courts.

9. To the Committee of State Prisons and Houses of Reform.

10. To the Committee on Revenue and Taxation.

By unanimous consent

Mr. Porter introduced the following bill, viz.:

H. B. 357. An act to prohibit public officers of this Commonwealth from seeking to have their salaries increased during the term for which they are elected.

Said bill was ordered to be printed and referred to the Committee on Circuit Courts.

Mr. Fulton of the Committee on Enrollment reported that they had examined and found correctly enrolled Resolution of the following titles, viz.:

S. Res. 3. Resolution concerning the State University and Carnegie Foundation.

S. Res. 4. Joint Resolution to provide the Members of Senate and House and President of the Senate with copies of the Statutes and Codes of Practice and Official Manual.

Thereupon all other business was suspended, said resolutions were read at length and examined in open House, and the Speaker of the House, in open session and in presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said resolutions to the Senate.

Mr. R. C. Hill who on yesterday was declared the duly and regularly elected Representative from the counties of Breathitt, Lee and Magoffin and as such was entitled to a seat in this House in the place and stead of the Hon. J. H. Evans then sitting, appeared at the bar of the House and took the oath as required by law, and thereupon took his seat as a Member of this House.

Mr. Carter called up for consideration from the Clerk's desk a resolution heretofore offered by Mr. Russell entitled,

H. Res. 12. Resolution directing the Committee on Revenue and Taxation of Senate and House to ascertain from the Auditor of Public Accounts the exact condition of the State's finances and report same to the two Houses.

(For resolution see House Journal January 20th.)

Said resolution was adopted.

Mr. Russell offered the following resolution, viz.:

H. Res. 15. Resolution inviting the Governor's Conference to hold their next meeting in the new Capitol at Frankfort, Kentucky.

Resolved by the House Representatives of Kentucky, the Senate concurring, that the Governors of all of the States and Territories of the United States are cordially and earnestly invited to hold their next meeting in the new Capitol at Frankfort.

We stand by the Governor in a heartfelt invitation from the people of Kentucky to the Governors who will represent the sister States and Territories and shall welcome the chance which the conferences of Governors will give to promote cordial and hospitable good will between the States and to bring to the consideration of the Legislatures measures to promote uniform laws on subjects of common and universal interest.

Resolved that the Governor be authorized to appoint committees to make all necessary arrangements for suitable entertainment of visiting Governors some of whom will have a home coming and all of whom will be welcomed to the old Kentucky home and old Kentucky homes.

Said resolution was adopted.

The Committees to which the same have been referred reported bills of the following titles, viz.:

By Mr. Shanklin, of the Committee on Agriculture:

H. B. 51. An act to authorize and regulate the recordation of agreement for pooling farm products, with an amendment thereto.

By Mr. Clay of the Committee on Fish and Game.

H. B. 16. An act to provide for the protection of game and fish.

By Mr. Graves, of the Committee on Criminal Law:

H. B. 24. An act allowing bail pending appeal to the Court of Appeals in all felony cases except cases where the jury has fixed the punishment at death or confinement in the penitentiary for life with an amendment thereto.

By same:

H. B. 108. An act defining the crime abortion and prescribing a penalty therefor. With an amendment thereto.

By same:

H. B. 157. An act to make it a penitentiary offense to steal a skiff.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The Speaker laid before the House the following communication, viz.:

Versailles, Ky., Jan. 27, 1910.

To the Speaker of the House of Representatives and the Members of the General Assembly of Kentucky.

Gentlemen:

Gray Lodge No. 27, Knights of Pythias of Versailles, Ky., has

received information of the passage of Senate Bill No. 10, applying to Burial Associations and also that this bill if enacted into a law will practically make void the by-laws of every fraternal organization which pays or allows funeral benefits and thus greatly affect the working of such secret orders. If this be true we respectfully request and urge the Members of the House to vote against this bill and if possible use every honorable means to secure the defeat of said measure. We suggest to your honorable body the good work done by fraternal and secret organizations and trust that the membership of the House either vote upon this measure so as to defeat it or else amend the same so as to remove all such possible objectionable features. Our Lodge has a membership of one hundred and fifty good men and our Order has fifteen thousand members in Kentucky. We believe we voice the sentiment of every individual member of every Lodge and of the Order throughout the State in this appeal.

Done in executive session and by the unanimous vote of the Lodge, this January 27, 1910.

Gray Lodge No. 27, Knights of Pythias of Versailles, Ky.

Wm. E. Stahel, C. C.
S. Stone, K. of R. & S.

Seal.

Which was read and ordered to be referred to the Committee on Municipalities.

And then the House adjourned.

MONDAY, JANUARY 31, 1910.

The House was opened with prayer by the Rev. Father T. M. Major of the Roman Catholic Church.

Mr. Speaker Wilson in the Chair.

The reading of the journal of the proceedings of Friday last was dispensed with.

Mr. Klair moved that the consideration of the orders of the day be postponed until the call of the counties and Representative Districts for the introduction of bills be had and the calendar reported.

Said motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution which was adopted by the House of the following title, viz:

H. Res. 4. Resolution ratifying the 16th amendment of the Constitution of the United States.

The House took up for consideration from the calendar, bills of the following titles, viz:

H. B. 26. An act to amend Chapter 89 of the Kentucky Statutes entitled "Municipal Corporations."

H. B. 113. An act to amend Section 3490, Sub-section 22 of the Kentucky Statutes relating to Charters of cities of the Fourth Class.

H. B. 105. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in First, Second and Third Class cities.

H. B. 106. An act relating to the holding of Circuit Courts in counties having therein cities of the Second and Third Class.

H. B. 187. An act to amend and re-enact Section 32, Article 2, Chapter 22 of an act entitled "An act relating to revenue and taxation," which became a law March 15, 1906, and relating to the compensation allowed assessors and to re-enact said section as amended.

H. B. 1. An act to amend Sections 2445 and 2447, Kentucky Statutes and to provide clerk hire for the Librarian of the Commonwealth.

H. B. 51. An act to authorize and regulate the recordation of agreements for pooling farm products.

H. B. 16. An act to provide for the protection of game and fish.

H. B. 24. An act allowing bail pending appeal to the Court of Appeals in all felony cases except cases where the jury has fixed the punishment at death or confinement in the penitentiary for life.

H. B. 108. An act defining the crime of abortion and prescribing a penalty therefor.

H. B. 157. An act to make it a penitentiary offense to steal a skiff.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

Upon the call of the counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz:

By Mr. Keen:

H. B. 358. An act fixing the compensation of members of the General Assembly.

To Committee on Public Offices.

By Mr. Carter:

H. B. 359. An act to amend an act regulating the terms of court in the Twelfth Judicial District of Kentucky.

To Committee on Kentucky Statutes.

By Mr. Pittman:

H. B. 360. An act to amend Section 6 of an act entitled, "An act to authorize the appointment of official stenographic reporters in counties containing a population of seventy-five thousand or over," which became a law July 13, 1893.

To Committee on Circuit Courts.

By same:

H. B. 361. An act for the benefit of owners and operators of repair shops.

To Committee on Immigration and Labor.

By Mr. Faris Roberts, Jr.:

H. B. 362. An act to provide for the payment of jurors not accepted for jury service.

To Committee on Circuit Courts.

By Mr. P. W. Berkshire:

H. B. 363. An act prohibiting shooting, discharging and firing of guns of long range or loaded with high explosives.

To Committee on Criminal Law.

By same:

H. B. 364. An act to further regulate registration in this Commonwealth.

To Committee on Suffrage and Elections.

By Mr. Welch:

H. B. 365. An act to amend Section 14a, Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. Klair:

H. B. 366. An act to amend Section 4642 of the Kentucky Statutes, Carroll's edition, 1903.

To Committee on Circuit Courts.

By same:

H. B. 367. An act entitled An act relating to the taking of depositions by notaries public of this Commonwealth.

To Committee on Codes of Practice.

By same:

H. B. 368. An act to amend and re-enact Sections 12 and 14 of Article 4, and Section 10 of Article 8 of an act entitled, "An act for the government of cities of the Second Class in the Commonwealth of Kentucky." Approved March 19, 1894.

To Committee on Municipalities.

By same:

H. B. 369. An act to provide for a more efficient system of common schools throughout the State; to prescribe the qualifications, powers and duties of the County Superintendent of Common Schools; to provide for a County Board of Examiners; to prescribe regulations for teachers and pupils; to provide for county institutes for teachers.

To Committee on Education No. 1.

By same:

H. B. 370. An act to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3100, 3101 and 3102 of the Statutes of Kentucky, relating to the control and improvement of streets, public ways, landings, wharves, grounds and sidewalks in cities of the Second Class.

To Committee on Municipalities.

By Mr. Steers:

H. B. 371. An act to provide for the establishment, operation and control of a Public Printery and Bindery.

To Committee on Public Printing.

By same:

H. B. 372. An act to regulate passenger traffic.

To Committee on Railroads.

By Mr. Pirtle:

H. B. 373. An act to provide for the appointment of trustees for county academies and seminaries.

To Committee on Education No. 2.

By same:

H. B. 374. An act relating to amendment of Section 46 of the Constitution of the Commonwealth of Kentucky, relating to the manner of passing bills.

To Committee on Federal and State Constitutional Amendments.

By Mr. Francies:

H. B. 375. An act to regulate the issue of restraining orders and injunctions and procedure thereof and to limit the meaning of "conspiracy" in certain cases.

To Committee on Judiciary.

By Mr. Huffaker:

H. B. 376. An act to create a permanent Tax Commission, define its powers and to make appropriation of funds for its purposes.

To Committee on Revenue and Taxation.

By same:

H. B. 377. An act to amend Section 171 of the Constitution of Kentucky.

To Committee on Revenue and Taxation.

By Mr. McVean:

H. B. 378. An act governing the licensing of all agents and solicitors appointed by companies transacting a business of fire insurance in the State of Kentucky and prescribing the terms and conditions under which said licenses may be issued.

To Committee on Insurance.

By Mr. Taylor:

H. B. 379. An act to abolish the office of assessor and to provide for the taking of assessment of property by justices of the peace in their respective magisterial districts.

To Committee on County and City Courts.

By Mr. Graves:

H. B. 380. An act limiting the time in which certain actions by the Commonwealth, County, City or other taxing districts may be instituted.

To Committee on Revenue and Taxation.

By same:

H. B. 381. An act to protect purchasers of land where same has been previously sold for delinquent taxes.

To committee on Revenue and Taxation.

By same:

H. B. 382. An act to amend Chapter 108 of the Kentucky Statutes of 1909, compiled by John D. Carroll.

To Committee on Municipalities.

By same:

H. B. 383. An act to amend Section 3155 of the Kentucky Statutes of 1909, compiled by John D. Carroll.

To Committee on Municipalities.

By Mr. Withers:

H. B. 384. An act in relation to the condemnation of land and rights of way.

To Committee on Kentucky Statutes.

By same:

H. B. 385. An act relating to fire escapes.

To Committee on Criminal Law.

By Mr. Dean:

H. B. 386. An act entitled Ditches and Underground Drainage.

To Committee on Public Ditches and Fences.

By same:

H. B. 387. An act appropriating $20,000, for the erection of a monument for the Union and Confederate soldiers of Kentucky.

To Committee on Appropriations.

By Mr. Holland:

H. B. 388. An act to amend Section 786 of the Kentucky Statutes, Carroll's edition of 1909.

To Committee on Railroads.

By same:

H. B. 389. An act to amend and re-enact Section 793, Kentucky Statutes.

To Committee on Railroads.

By same:

H. B. 390. An act to amend and re-enact Section 11 of the Code of Practice in criminal cases.

To Committee on Codes of Practice.

By Mr. Russell:

H. B. 391. An act to amend and re-enact Section 4338 of the Kentucky Statutes.

To Committee on Public Roads and Highways.

By Mr. Hines:

H. B. 392. An act to amend Section 8 of an act of the General Assembly approved March 24, 1908, for the government and regulation of the common schools of the State.

To Committee on Education No. 1.

By same:

H. B. 393. An act to appropriate money to erect monuments and markers in the Vicksburg National Military Park in commemoration of the valor of Kentucky soldiers in the campaign seige and defense of Vicksburg, Miss. from March 29 to July 4, 1863.

To Committee on Public Monuments and Historical Records.

By same:

H. B. 394. An act relating to elections and making ineligibility a ground of contest.

To Committee on Suffrage and Elections.

By same:

H. B. 395. An act to prevent the employment of or acceptance by any Commonwealth's Attorney or by any firm of which he is a member or by any member thereof, by any public service corporation, company or association, engaged in business in the District, represented by such Commonwealth's Attorney, or by any corporation, company or association, exercising a franchise affecting public rights granted any city, or county, in such district, and to fix a penalty therefor.

To Committee on Judiciary.

By Mr. Chunn:

H. B. 396. An act providing for the creation of a Commission to purchase mansion site.

To Committee on State Capitol.

Orders of the Day.

The House took up for consideration from the orders of the day a bill entitled,

H. B. 15. An act to amend Section 3704 of the Kentucky Statutes prohibiting the running at large of stock in towns of the Sixth Class.

Said bill is as follows:

AN ACT to amend Section 3704, of the Kentucky Statutes, prohibiting the running-at-large of stock in towns of the sixth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3704, of the Kentucky Statutes, relating to the powers of Board of Trustees of towns of the Sixth Class, be, and is hereby, amended so as to read as follows, to-wit:

The Board of Trustees of towns of the sixth class shall have the right to prohibit horses, cattle, hogs and other stock, from running at large on the streets and alleys of such town, as it may by ordinance provide. And may by resolution establish and maintain a pound, and make proper regulations for impounding and keeping stock, fixing fees of officers for impounding, trial and release of same, as well as penalties for the violation of such ordinance.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. H. Carter,	H. C. Duffy,
W. D. Allbrignt,	J. P. Chinn,	J. H. Evans,
J. W. Berkshire,	Sidney G. Clay,	L. W. Francis,
Eli Berry,	J. R. Claypool,	G. G. Frazier,
T. M. Bertram,	Z. T. Coleman,	Chas. W. Fulton,
J. O. Bogie,	Peter J. Cosgrove,	T. D. Graham,
V. A. Bradley,	W. L. Craig,	F. E. Graves,
Frank J. Brown,	C. F. Crecelius,	Robt. L. Harris,
J. T. Buford,	W. B. Creekmore,	Samuel D. Hines,
S. M. Carson,	Wm. S. Dean,	Hite Huffaker,

R. Dillard Hunter,	S. P. Parks,	Herman Southall,
W. G. Keen,	Marion F. Pogue,	John S. Steers,
W. T. Kenton,	R. A. Read,	J. J. Taylor,
O. M. Kelsey,	Geo. W. Reid,	E. E. Trivette,
Wm. F. Klair,	H. T. Rich,	J. W. Turner,
Don G. McVean,	J. F. Richardson,	Geo. C. Waggoner,
Frank S. Moore,	Farris Roberts, Jr.,	W. F. Welch,
R. H. Moss,	S. C. Roberts,	J. H. Williams,
L. C. Owings,	S. M. Russell,	J. R. Zimmerman,
C. C. Patrick,	S. A. Shanklin,	—60
W. V. Perry,	W. L. Shearer,	

Those who voted in the negative were—

W. G. Caudill,	M. G. Colson,	S. B. Johnson,
J. P. Chinn,		—4

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled,

H. B. 30. An act to amend an act entitled "An act to assign the cities and towns of this Commonwealth to the classes to which they belong," passed and approved Sept. 30, 1892, Chapter 89, Kentucky Statutes.

Mr. Russell offered an amendment to said bill by way of substitute therefor.

Mr. Graves moved that said bill be recommitted to the Committee on Classification of Cities and Towns, and that said Committee be granted leave to report at any time.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled,

H. B. 124. An act to amend and re-enact Section 3681 of the Kentucky Statutes, Carroll's edition, 1909, and enact Subsection 3681a, providing for the appointment or election of town marshalls in Sixth Class towns.

Said bill is as follows:

AN ACT to amend and re-enact Section 3681, Kentucky Statutes, Carroll's Edition, 1909, and enact Subsection 3681a, providing for the appointment or election of town marshalls in Sixth Class towns.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3681, Kentucky Statutes, Carroll's Edition, 1909, be amended by striking out the words "and marshall" wherever same appears and re-enact said section and enact Subsection 3681a so that same will read when amended, re-enacted and enacted as follows:

§ 3681. The members of the Board of Trustees and Police Judge shall be elected by the qualified voters of each town, the first election to be held therein on Tuesday, after the first Monday in November in one thousand eight hundred and ninety-three; and thereafter as the terms of the respective officers expire, and at general election for county and State officers held in November preceding the expiration of their term; the Police Judge shall hold office four years, and the members of the Board of Trustees two years, from the first Monday in January following their election: Provided, that the terms of Police Judge elected, at the November election, one thousand eight hundred and ninety-three, to succeed Police Judges who were elected for four years at the August election, one thousand eight hundred and ninety, shall begin on the first day of September, one thousand eight hundred and ninety-four, and continue until the November election, one thousand eight hundred and ninety-seven; and until their successors are elected and qualified.

§ 3681a. The Board of Trustees shall have power to appoint a town marshal, or he shall be elected by the voters of the town as

may be prescribed by ordinance, enacted not less than sixty days previous to any November election, who shall hold his office for a term not longer than two years, or until his successor is appointed or elected and qualified subject to the power or removal for good cause at any time by the Board of Trustees.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken of the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
L. W. Francis,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
Wm. F. Klair,
Frank S. Moore,
R. H. Moss,
L. C. Owings,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
A. H. Points,
R. A. Read,
Geo. W. Reid,
H. T. Rich,
J. L. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,

Geo. C. Waggoner, L. F. Withers, Speaker Wilson
J. H. Williams, J. R. Zimmerman, —58

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the orders of the day a bill entitled,

H. B. 161. An act to provide a system for the assessment, levy and collection of taxes in towns of the Sixth Class.

Said bill is as follows:

AN ACT to provide a system for the assessment, levy and collection of taxes in towns of the Sixth Class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the County Assessor of each county of this Commonwealth in which towns of the Sixth Class are located, when making his assessment as of the first of September of each year for State and county purposes, to make a list of all property owned by persons residing without said towns of the Sixth Class but subject to taxation in said towns.

§ 2. The blanks prepared for the County Assessors to be used in making assessments for State and county purposes shall be provided with a separate column in which the names of all persons residing in towns of the Sixth Class, or holding or owning property subject to taxation in said towns, shall be placed; and it shall be the duty of the County Assessor when making his assessment to place the names of all such persons in said column; and for his services he shall be allowed as compensation one cent on each one hundred dollars of property assessed by him.

§ 3. Immediately after the Board of Equalization for the county shall have completed its labors, it shall be the duty of the County Court of each county in which towns of the Sixth Class are situated to

make out a list of all the taxpayers of each town of the Sixth Class, and the amount of property owned by each of said taxpayers, and certify said list, and transmit it to the Clerk of the Board of Trustees of said town; and said list, when received by said Clerk and filed and endorsed, shall become the assessment roll for said town for said year. For his services the Clerk shall be allowed the sum of three dollars per day, not to exceed in the aggregate the sum of six dollars.

§ 4. At its next meeting after said list shall have been received and filed and endorsed by the Clerk of the Board of Trustees, the Board of Trustees of said town shall proceed upon said list to make its tax levy for said year, and said taxes may be collected by the town marshal or the sheriff of the county in which said town is situated at the option of the Board of Trustees.

§ 5. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Mr. Zimmerman offered the following amendment to said bill, viz:

Amend Section 3, line 2, by adding after the word "court" and before the word "of" the word "clerk."

Also amend Section 3, line 9, by adding after the word "the" and before the word "clerk" the words "County Court."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. W. Francis,	H. T. Rich,
W. D. Allbright,	G. G. Frazier,	J. F. Richardson,
J. W. Berkshire,	Chas. W. Galton,	J. T. Riherd,
Eli Berry,	T. D. Graham,	Farris Roberts, Jr.
W. A. Bradley,	Robt. L. Harris,	S. C. Roberts,
Frank J. Brown,	R. C. Hill,	Samuel L. Robertson,
S. M. Carson,	L. B. Herrington,	S. M. Russell,
L. H. Carter,	John W. Holland,	H. A. Schoberth,
J. P. Chinn,	R. Dillard Hunter,	S. A. Shanklin,
Henry Chunn,	S. B. Johnson,	John S. Steers,
Sidney G. Clay,	W. G. Keen,	J. J. Taylor,
J. R. Claypool,	W. T. Kenton,	E. E. Trivette,
Z. T. Coleman,	O. M. Kelsey,	Geo. C. Waggoner,
M. G. Colson,	Frank S. Moore,	W. F. Welch,
Peter J. Cosgrove,	L. C. Owings,	J. H. Williams,
W. L. Craig,	W. V. Perry,	J. R. Zimmerman,
C. F. Crecelius,	W. F. Pitman,	Speaker Wilson,
Wm. S. Dean,	Marion F. Pogue,	—55
H. C. Duffy,	R, A, Read,	

Those who voted in the negative were—

J. W. Perry,	Geo. W. Reid,	W. L. Shearer,	—3

Resolved that the title thereof be as aforesaid.

Mr. Turner offered the following resolution, viz:

Resolved, That the Librarian have printed five thousand copies of the Governor's message as sent to and read in the House on Friday last the 28th inst.

Said resolution was agreed to.

Mr. Buford offered the following concurrent resolution, viz:

H. Res. 16. Resolution providing for the adjournment of the

General Assembly, on February 2d till February 4th, proximo out of respect to the memory of Wm. Goebel, late Governor of this Commonwealth.

Whereas, Thursday, the 3d day of February, 1910, is the 10th anniversary of the death of Wm. Goebel, Kentucky's martyred Governor, and,

Whereas, the monument that has been erected in commemoration of his public services, by the people of this Commonwealth, is to be unveiled on said date,

Be it resolved by the House of Representatives, the Senate concurring, That the General Assembly adjourn on Feb. 2d to meet on Feb. 4th, to attend the exercises thereof and out of respect to the memory of the late martyred Governor.

Said resolution was agreed to.

Mr. Klair moved that the House do now adjourn.

Said motion was agreed to.

TUESDAY, FEBRUARY 1, 1910.

The House was opened with prayer by the Rev. Father T. M. Major, of the Roman Catholic Church.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Klair offered the following resolution, viz:

Resolved, That the Committee on State University and Normal

Schools be authorized and directed to visit in a body the State University at Lexington, the Eastern Normal at Richmond and the Western Normal School at Bowling Green at such time during the session as the said committee may determine. The expense of said committee to be paid out of the contingent fund of the House.

Said resolution was agreed to.

Mr. Carson offered the following resolution, viz:

Resolved, That the Superintendent of the Confederate Home of Kentucky be and he is hereby requested to furnish to this House the number of inmates now in the Home and the highest number having been there at any time during the last year and the expense per capita of keeping them there. Also the number of persons employed on the pay roll of the institution and the salaries of each person so employed and at what employed.

Said resolution was agreed to.

Mr. Chinn offered the following resolution, viz:

Resolved, That the Sergeant-at-Arms of this House be authorized to purchase flowers to be placed upon the grave of Wm. Goebel, martyred Governor of this State, on Feb. 3, 1910, the day of the dedication of the monument erected to his memory and that the cost of said flowers be paid as a contingent expense of this House.

Said resolution was agreed to.

A message was received from the Senate announcing that they had passed a bill of the following title, viz:

S. B. 19. An act to prevent the unlawful use of a motor car.

Which was ordered to be printed and referred to the Committee on Kentucky Statutes.

That they had adopted a resolution as follows, viz:

S. Res. 10. Resolution providing for adjournment of the General Assembly to permit the committees to visit the State Institutions.

Whereas, the Committees of both Houses of the General Assembly upon Charitable Institutions, the Normal Schools and the penal institutions of the State desire to visit and inspect these various institutions; how to enable them to perform these duties without interfering with the business of the General Assembly,

Be it resolved by the General Assembly of the Commonwealth of Kentucky.

That when the Senate and House of Representatives adjourn on Wednesday, February 2, 1910, they adjourn to meet on Monday, February 7, 1910, at 12 o'clock, meridian.

Said resolution was concurred in.

Mr. Klair moved that the vote by which said resolution was concurred in be reconsidered and that that motion lie on the table.

Said last named motion was agreed to.

That they had adopted the joint rules of the Senate and House of Representatives as follows, viz:

JOINT RULES.

January Session, 1910.

Joint Rule 1. When bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Clerk of each House respectively.

Joint Rule 2. After a bill shall have passed both Houses, it shall

be duly enrolled on paper, and under the signature of the Clerk of each House respectively.

Joint Rule 3. When bills are enrolled, they shall be examined by a joint committee of five from the Senate and five from the House of Representatives, appointed as a standing committee for that purpose, one of whom, on the part of the Senate, and two from the House of Representatives shall be sufficient to compare the enrolled with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

Joint Rule 4. After examination and report, each bill shall be signed in their respective Houses during open session. All bills which originate in the Senate shall be signed first by the President of the Senate, and all bills which originate in the House of Representatives shall be signed first by the Speaker of the House of Representatives.

Joint Rule 5. After a bill shall have been thus signed by each House, it shall be presented by the Clerk of the House in which the bill originated to the Governor for his approbation—it being first endorsed on the back of the bill, certifying in which House the same originated, which endorsement shall be signed by the Clerk of the House in which the same did originate, and shall be entered on the Journal of each House. The said Clerk shall report the day of presentation to the Governor, which time shall also be carefully entered upon the Journal of each House.

Joint Rule 6. All bills and resolutions passing from one House to the other shall take the course prescribed by the House to which they are transmitted.

Joint Rule 7. All orders and resolutions which are to be presented to the Governor for his approbation shall also be previously en-

rolled, examined and signed in open session, and shall be presented in the same manner, and by the Clerk, as is provided in cases of bills.

Joint Rule 8. Every order, resolution or vote to which the concurrence of the Senate shall, be necessary, shall be read to the House and laid on the Clerk's desk on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Joint Rule 9. When any papers may come officially before either branch of the Legislature, or any communication from the Governor, and are proper to be acted upon by both Houses, the House before which such papers are laid, or to whom such communications are made, shall, as soon as they have proceeded and acted upon the same, lay them before the other House.

Joint Rule 10. When there is a communication from the Governor, or a message from one House to the other, it shall be received without delay; if the House be in committee, the Speaker shall resume the chair, and if any member be speaking, he shall suspend his remarks until the communication or message be received.

Joint Rule 11. When it is not otherwise provided by law, the members of the Senate and House of Representatives, in the selection of all officers elective by the General Assembly as entirety, shall be convened in joint meeting, and unless differently prescribed by law, a majority of the members of the two sides shall constitute a quorum in joint session for the transaction of all business before it.

All joint meetings of the Senate and House of Representatives shall be held in the hall of the House of Representatives and in all cases in which the date of any such meeting is not fixed by law the time shall be designated and fixed by the order of the Speaker of the House of Representatives, which order shall be entered upon the Journal of the House by the Clerk thereof, and a copy of said order

he shall certify and deliver to the Clerk of the Senate, who shall enter the same upon the Journal of that body.

At all such meetings the President of the Senate, if he be not personally interested in the business before the joint meeting, and in that event, the Speaker of the House, if he be not under like disqualifications, shall preside, preserve decorum, put questions, decide all points of order and perform the duties usually discharged by presiding officers. The Clerk of the Senate shall be Chief Clerk of the joint sessions, assisted by the Clerk of the House. They shall enter upon the Journal of their respective bodies the proceedings of the joint assembly.

In recording any vote required to be entered upon the record the names of the Senators shall be first called, then those of the Representatives, and all questions shall be determined by a majority of the votes cast.

The Sergeant-at-Arms of the Senate assisted by the Sergeant-at-Arms of the House, shall perform the duties of that office in the joint meeting, and the door-keeper of the House, assisted by the door-keeper of the Senate shall perform the duties of that office in the joint meetings.

The time of dissolving the joint meeting shall be controlled by itself, without reference to the hours of adjournment fixed by the rules for the government of the two bodies separately.

CONN LINN,
President Pro tem., Chairman.
THOMAS A. COOMBS,
MARK RYAN,
L. W. ARNETT,
G. T. WYATT,
H. D. NEWCOMB,
J. F. BOSWORTH,

GEO. S. WILLSON,
Speaker and Ex-officio Chairman.
W. H. SHANKS,
H. A. SCHOBERTH,
WILLIAM F. KLAIR,
J. F. PORTER,
S. M. RUSSELL,
MARION F. POGUE,
JAMES T. BUFORD,
C. F. CRECELIUS.

Said joint rules were taken up for consideration and concurred in.

The committees to which the same have been referred reported bills of the following titles, viz:

By Mr. Carter of the Committee on Education No. 1.

S. B. 4. An act to provide for the teaching of elements of Agriculture in the public schools of this Commonwealth.

By same:

H. B. 156. An act creating a county text book commission to adopt for use in the common schools of each county in this Commonwealth a uniform series of text books, regulating the prices thereof, defining the powers and duties of said Commission and the method of selection of such text books and their distribution and prescribing penalties for the violation of this act.

With sundry amendments thereto.

By same:

H. B. 158. An act to set apart an arbor and bird day.

By same:

H. B. 37. An act to amend an act entitled "An act for the government and regulation of the common schools of this State," approved March 24, 1908.

By Mr. Holland, of the Committee on Insurance:

H. B. 45. An act to amend Section 625, Kentucky Statutes, relating to insurance companies.

By same:

H. B. 186. An act to further regulate certain kinds of insurance business and providing penalties for its violation.

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 31. An act designating the 12th day of October of each year "A legal holiday" to be known as Columbus Day.

By same:

H. B. 204. An act to display the United States Flag on school houses.

By same:

H. B. 198. An act to amend Section 500 of Kentucky Statutes of 1909, relating to the recording of contracts concerning land.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 62. An act to prevent accident in the use of gasoline, etc.

By same:

H. B. 246. An act to amend Subsection 4, Article 5, Title 10 of

the Civil Code of Practice being Subsection 4 of Section 340 thereof, relating to new trials.

By same:

H. B. 163. An act permitting Charles Carroll to sue the State for a fee not exceeding $500 for legal services performed.

By same:

H. B. 84. An act making it a felony to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute circumstances.

With amendments thereto.

By same:

H. B. 181. An act to amend Section 885 of the Kentucky Statutes edited by John D. Carroll and issued in 1903.

With amendments thereto.

By same:

H. B. 180. An act to amend Section 1764 of Chapter 47 of the Kentucky Statutes, Carroll's edition of 1903, entitled "fees."

By same:

H. B. 17. An act to provide for the registration, identification and regulation of motor vehicles.

With amendments thereto.

By same:

H. B. 41. An act to amend Section 1902 of Chapter 53 of the Kentucky Statutes.

By same:

H. B. 69. An act to amend Subsection 5 of Section 1403, Kentucky Statutes (Subsection 5 of Section 3821, Russells Statutes of Kentucky).

The hour of 12 o'clock meridian having arrived,

Mr. Schoberth moved that the consideration of the orders of the day be postponed until the call of the committees be completed.

Said motion was agreed to.

Continuing the report of committees.

By Mr. Klair of the Committee on Municipalities:

H. B. 231. An act to revise and amend an act entitled "An act to amend Sections 124 and 125 of an act entitled an act for the government of cities of the first class approved July 1, 1893, approved March 21, 1902. Section 1 of said act being Sections 2909 and 2910 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll in 1903.

By same:

H. B. 49. An act to authorize the appointment of a chief deputy or assistant assessor in counties having a population of forty thousand or over and under seventy-five thousand and providing for his compensation.

By same:

H. B. 107. An act to amend Section 1847, Kentucky Statutes, edition 1909, and to provide for temporarily filling the office of County Commissioner.

By same:

H. B. 140. An act to amend Section 3467, Kentucky Statutes, in regard to cities of the Third Class.

By same:

H. B. 54. An act providing for a school medical inspector and fixing his duties in cities of the Second Class.

By same:

H. B. 87. An act lessening the period of confinement of prisoners confined in jail in the cities of the First Class.

By same:

H. B. 86. An act to establish the office of assistant physician to the jail in counties containing a population of one hundred and fifty thousand or more.

By same:

H. B. 81. An act to amend an act entitled an act for the government of cities of the First Class approved July 1, 1893, for the better government and administration of school systems in cities of the First Class and to create and perpetuate a pension or retirement fund for disabled public school teachers and to create and perpetuate a Board of Trustees for the management and conduct thereof and to pension members thereof after service of a term of years.

By same:

H. B. 144. An act to provide for the establishment of sewer systems in cities of the Third Class by ordinance granting a franchise to construct, maintain and operate such system, in, on or under the public streets and alleys in such cities, and providing for

parties granted such franchise to exercise the State's right of eminent domain where it is deemed necessary to use private property for such purpose; and declaring an emergency.

By same:

H. B. 141. An act to amend Section 3369, Kentucky Statutes, relating to cities of the Third Class.

By same:

H. B. 183. An act to amend the school laws and to create boards of education and to define their duties in cities of the First Class.

At 1:15 O'clock P. M.

Mr. Waggoner moved that the session of to-day be extended until the call of the committees is completed.

Said motion was agreed to.

Mr. Schoberth to reconsider the vote by which the session of to-day was extended and that said motion lie on the table.

Said last named motion was agreed to.

Continuing reports from committees.

By Mr. Klair of the Committee on Municipalities:

H. B. 325. An act to amend that part of an act entitled "An act for the government of cities of the First Class," approved July 1, 1893, which relates to revenue and taxation.

By same:

H. B. 326. An act providing for the appointment of police matrons, jail matrons, a laundry matron at jail and workhouse matrons in cities of the First Class.

By same:

S. B. 18. An act to repeal Section 1725 of the Kentucky Statutes and being Sections 6 and 7, Chapter 33, of the Acts of 1894.

By Mr. Newell of same Committee:

S. B. 2. An act to enable cities of the First Class to construct a public hospital.

By Mr. Lackey of the Committee on Public Health:

H. B. 142. An act to amend Section 2054, Chapter 63, of the Kentucky Statutes relating to the State Board of Health.

With amendments thereto.

By same:

H. B. 72. An act to amend Section 2618, Kentucky Statutes.

By same:

H. B. 137. An act to establish a bureau of vital statistics and to provide for the immediate registration of all birth and deaths throughout the State of Kentucky by means of certificates of births and deaths and burial or removal permits; requiring prompt returns to the Bureau of Vital Statistics as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing for certain penalties.

At 2:15 o'clock P. M.

Mr. Carter moved that the House do now adjourn.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Carter and Brown were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
Eli Berry,
W. A. Bradley,
Frank J. Brown,
L. H. Carter,
W. G. Caudill,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
W. L. Craig,
H. C. Duffy,
T. D. Graham,
F. E. Graves,
Hite Huffaker,
L. C. Littrell,
J. H. McWaters,
W. H. Newell,
L. C. Owings,
Edward A. Weber,
—19

Those who voted in the negative were—

R. H. Akin,
W. D. Allbright,
T. M. Bertram,
J. M. Blair,
J. T. Buford,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Albert J. Counts,
W. B. Creekmore,
Wm. S. Dean,
G. G. Frazier,
Chas. W. Fulton,
L. B. Herrington,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
Frank S. Moore,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
R, A, Read,
R, A, Read,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
J. J. Taylor,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
—54

Continuing the reports from Committees.

By Mr. Hines, of the Committee on State Prisons and Houses of Reform.

H. B. 259. An act to authorize arbitration of matters in controversy between the Commonwealth of Kentucky and contractor for labor of convicts; the Auditor of Public Accounts to name an arbitrator, the contractor to name another and the two thus selected to name a third and providing for settlement of award.

By Mr. Waggoner of the Committee on Public Morals.

H. B. 78. An act to amend Chapter 21 of the Acts of 1906, entitled "An act to amend Section 2560 of the Kentucky Statutes" it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes entitled "Liquors, Intoxicating."

By same:

H. B. 125. An act relating to crimes and punishments fixing a penalty for any person who shall drink intoxicating liquors or be drunk or disorderly upon any public common carrier or in or about any depot, station, ticket office, waiting room or platform of same, fixing the venue of the prosecution for a violation of same and providing that officers and agents of common carriers may arrest violators.

By Mr. Kenton, of the Committee on Public Warehouses and Graneries:

H. B. 66. An act to amend an act entitled An act permitting warehousemen to commingle tobacco of like grades, approved March 25, 1908.

By Mr. Kelsey, of the Committee on Pure Food.

H. B. 338. An act for the protection of the public health by regulating the sale of beef, veal, mutton, lamb and pork.

With amendments thereto.

By Mr. Buford, of the Committee on State Capitol:

H. B. 59. An act to appropriate $50,000 to the work on the grounds of the new State Capitol.

By same:

H. B. 192. An act creating the county of Wilson.

Said bills were severally read the first time at length and ordered to be placed upon the calendar.

At 3:15 o'clock P. M.

Mr. Golson moved that the House do now adjourn.

Said motion was agreed to.

WEDNESDAY, FEBRUARY 2, 1910.

The House was opened with prayer by the Hon. J. S. Steers, Representative from the county of Grant.

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Moore presented the petition of sundry citizens of Campbell county remonstrating against the passage of H. B. 26, introduced by Mr. Weber.

Which was received, its reading dispensed with and referred to the Committee on Cities of the Fourth Class.

Mr. Moore presented the petition of sundry citizens of Hickman County asking the passage of House Bill No. 45.

Referred to Committee on Insurance.

Mr. Moore presented the petition of sundry citizens of Hickman County remonstrating against the passage of a bill increasing the license tax on the seller of family and household remedies from the wagon.

Referred to Committee on Public Health.

Mr. Pogue presented the petition of sundry citizens of Crittenden County remonstrating against the passage of a bill to repeal the dog tax law.

Referred to Committee on Agriculture.

Mr. Pogue presented the petition of sundry citizens of Crittenden County asking the passage of House Bill No. 45.

Referred to Committee on Insurance.

Mr. Pogue presented the petition of sundry citizens of Livingston County asking the repeal of the new school law.

Referred to Committee on Education No. 1.

Mr. Southall presented the petition of sundry citizens of Christian County protesting against the passage of a bill to increase the license tax on persons who sell family or household remedies from a wagon.

Referred to Committee on Public Health.

Mr. Coleman presented the petition of sundry citizens of Carroll County asking the passage of a bill to prohibit the sale of rabbits by shipping the same out of the State of Kentucky.

Referred to Committee on Fish and Game.

Mr. Faris Roberts, Jr., presented the petition of sundry citizens of Clay County asking the passage of House Bill No. 45.

Referred to Committee on Insurance.

Mr. Graham presented the petition of sundry citizens of Washington County asking the passage of House Bill No. 45.

Referred to Committee on Insurance.

Mr. Lewis presented the petition of sundry citizens of Boyd County asking the passage of House Bill No. 45.

Referred to Committee on Insurance.

Mr. Littrell presented the petition of sundry citizens of Owen County protesting against the passage of Senate Bill No. 23.

Referred to Committee on Insurance.

Mr. Owings presented the petition of sundry citizens of Jefferson County asking the passage of House Bill No. 45.

Referred to Committee on Insurance.

Mr. Shanks presented the petition of sundry citizens of Lincoln County asking the passage of House Bill No. 45.

Referred to Committee on Insurance.

Mr. Shanks presented the petition of sundry citizens of Lincoln County remonstrating against the passage of Senate Bill No. 23.

Referred to Committee on Insurance.

Mr. Ray presented the petition of sundry citizens of Hopkins County remonstrating against the passage of Senate Bill No. 23.

Referred to Committee on Insurance.

Mr. Clore presented the petition of sundry inmates of the Ken-

tucky Confederate Home asking the enactment of a law granting a pension to ex-Confederate soldiers.

Referred to Committee on Confederate Home.

The Speaker laid before the House the following communication, viz:

First. The biennial report of the Western Kentucky State Normal School at Bowling Green.

Second. The biennial report of R. E. Turley, Treasurer for the Board of Regents of the Eastern Kentucky State Normal School at Richmond.

Said reports were ordered to be filed.

Mr. Shanks, of the Committee on Rules offered the following report, viz:

The Committee on Rules to which has been referred resolution regarding the placing of certain newspapers upon the desks of the Members of this House, respectfully submit and report that it is the sense of the committee that the House decline to have any newspaper laid upon the desks of the members to be paid for out of the contingent expense of the House.

Which was received and adopted.

Mr. Riherd offered the following resolution, viz:

Resolved, That the Speaker appoint five members to act as a special committee to investigate and report back to this body how the vote was cast in the last general election for the constitutional amendment relating to good roads and their conclusions on the same. The Committee is hereby given all the power necessary to carry out this resolution.

Said resolution was adopted.

Thereupon the Speaker announced as said Committee Messrs. Riherd, P. W. Berkshire, Porter, Hill and Colson.

Mr. Carter offered the following resolution, viz:

Resolved, That the Frankfort Street Railway Company be and it is hereby notified that the General Assembly of the Commonwealth of Kentucky is now in session, meeting daily in the new Capitol.

Resolved further, That it be notified that the membership of said General Assembly number 138 and that the legal and other employes thereof are many; that during last week each member of said General Assembly received certain moneys from the Treasury, the maximum paid each member, not exceeding $100; but each member now has money with which to pay street car fare and is sometimes willing to so invest it and,

Whereas there has appeared an indisposition to accommodate the members of said General Assembly on the part of the officials, agents and servants of said Street Railway Company,

Resolved, That the management of said company be requested to stop and hold its cars for a reasonable time not to be unreasonable in front of the Capitol at the time of adjournment of each of the Houses of said General Assembly.

And resolved, That a copy of these resolutions be delivered to said Street Railway Company by the Clerk of this House.

Said resolution was agreed to.

Mr. Chinn moved that the Speaker appoint a committee of six members whose duty it shall be to arrange and spread the flowers provided by this House on the grave of the late Governor Wm. Goebel on to-morrow, February 3, 1910.

Said motion was agreed to.

Thereupon the Speaker announced the following as said Committee, viz: Messrs. Chinn, McVean, Moss, Duffy, Lackey, and Carter.

Mr. Fulton, of the Committee on Enrollments reported that they had examined and found correctly enrolled a resolution of the following title, viz:

H. Res. 4. Resolution ratifying the 16th amendment to the Constitution of the United States.

Thereupon all other business was suspended, the said resolution was read at length and compared in open House and thereupon the Speaker in open session and in presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver the same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled resolution duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk of this House deliver said enrolled resolution to the Governor.

After a time the Clerk reported that he had discharged that duty.

The Committees to which the same have been referred reported bills of the following titles, viz:

By Mr. Shanklin, of the Committee on Agriculture:

H. B. 135. An act to declare lawful agreements to abstain from growing crops of any given kind for any definite period.

By same:

H. B. 253. An act to further regulate the pooling of farm products.

By Mr. Steers, of the Committee on Appropriations:

H. Res. 11. Resolution for the benefit of the ministers of the Gospel of Frankfort.

By Mr. Graves, of the Committee on Criminal Law.

H. B. 109. An act to amend Section 1157a of the Kentucky Statutes edited by Hon. John D. Carroll, and the edition of 1903, relating to holding persons for ransom.

With an amendment thereto.

By same:

H. B. 11. An act to punish fruit tree venders for the misrepresentation of their goods.

With an amendment thereto.

By Mr. McVean, of the Committee on State University and Normal Schools.

H. B. 195. An act empowering the executive council of the State Normal Schools to extend the course of study and the requirements for an advanced certificate.

By same:

H. B. 122. An act for the benefit of the Kentucky Normal and Industrial Institute for colored persons.

The hour of 12 o'clock meridian having arrived,

Mr. Zimmerman moved that the consideration of the orders of the day be postponed until the call of the Committees be completed.

Said motion was agreed to.

Continuing the call of Committees,

By same:

H. B. 127. An act to extend the distribution of State publication.

By same:

H. B. 52. An act to make operative and give efficiency to Section 6 of an act of the General Assembly 1908, approved March 16, 1908, which makes it obligatory upon the State University to establish a medical college and make the necessary appropriation therefor.

With an amendment thereto.

By Mr. Zimmerman, of the Committee on Circuit Courts.

S. B. 24. An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the Judge shall fail to attend or if in attendance can not properly preside.

By Mr. Frazier, of the Committee on Cities of the Fifth and Sixth Class.

H. B. 34. An act to repeal the Charter of the town of Newfoundland in Elliott County.

By same:

H. B. 207. An act to re-enact Section 3692, Kentucky Statutes, Carroll, 1903, which same is Section 3692, Kentucky Statutes, Carroll, 1909, relating to Municipal Corporations of the Sixth Class.

By Mr. Counts, of the Committee on Education No. 2.

H. B. 160. An act compelling parents, guardians or other persons

having control of children between the ages of seven and fourteen years of age to send said children to school and providing for a truant officer in each county.

With amendments thereto.

By same:

H. B. 128. An act to amend the common school laws of Kentucky and provide for payment of teachers.

By same:

H. B. 35. An act to amend Section 4422, Carroll's Kentucky Statutes, by inserting after "appoint" the following, to-wit: "From each of the two political parties casting the largest number of votes at the last county election," in relation to the Board of Examiners for common school certificates.

By Mr. Hunter, of the Committee on Internal Improvements.

H. B. 266. An act to amend an act to amend Section 4315, Chapter 110, Kentucky Statutes, approved March 24, 1908.

Mr. Shanks, of the Committee on Judiciary.

H. B. 115. An act to regulate the admission of Attorneys to practice law in this Commonwealth.

By Mr. Klair, of the Committee on Municipalities:

S. B. 9. An act designating the 12th day of October of each year a legal holiday to be known as Columbus Day.

By Mr. Lackey, of the Committee on Public Health:

H. B. 19. An act to amend Chapter 58 of session acts 1908, entitled "An act enabling the Kentucky Board of Pharmacy to exchange

certificates of registration with other States allowing pharmacists in a foreign State to practice pharmacy in the State of Kentucky.

By Mr. McWaters, of the Committee on State Prisons and Houses of Reform:

H. B. 78. An act to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole; and to that end, for the appointment of an employment agent, to define his duties and fix his compensation, and to further provide for the final discharge by the said Board, of paroled prisoners who shall have been obedient to the terms of their paroles.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

Mr. Graves, of the Committee on Criminal Law, to which the same had been referred, reported a bill of the following title:

H. B. 247. An act making castration the punishment for rape upon the body or person of a female of any age.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading, the opinion of the Committee to the contrary notwithstanding, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. W. Perry and Turner were as follows, viz:

Those who voted in the affirmative were—

J. O. Bogie,	S. P. Parks,	J. F. Richardson,
S. M. Carson,	C. C. Patrick,	J. H. Williams,
Chas. W. Fulton,	J. W. Perry,	—8

Those who voted in the negative were—

R. H. Akin,	L. B. Herrington,	L. R. Ray,
W. D. Allbright,	John W. Holland,	R, A, Read,
J. W. Berkshire,	R. Dillard Hunter,	Geo. W. Reid,
Eli Berry,	W. G. Keen,	G. T. Reynolds,
T. M. Bertram,	O. M. Kelsey,	H. T. Rich,
J. M. Blair,	Wm. F. Klair,	J. T. Riherd,
O. Houston Brooks,	J. H. Lackey,	Farris Roberts, Jr.
Frank J. Brown,	H. L. Lewis,	S. C. Roberts,
J. T. Buford,	L. C. Littrell,	Samuel L. Robertson,
L. H. Carter,	Hugh Mahin,	S. M. Russell,
Henry Chunn,	J. H. McWaters,	H. A. Schoberth,
Z. T. Coleman,	Don G. McVean,	S. A. Shanklin,
M. G. Colson,	Frank S. Moore,	W. H. Shanks,
Peter J. Cosgrove,	R. H. Moss,	W. L. Shearer,
S. F. Crabtree,	H. J. Meyers,	Herman Southall,
Wm. S. Dean,	John C. Pirtle,	John S. Steers,
H. C. Duffy,	W. F. Pitman,	J. J. Taylor,
L. W. Francis,	G. H. Plitt,	Geo. C. Waggoner,
G. G. Frazier,	Marion F. Pogue,	L. F. Withers,
T. D. Graham,	A. H. Points,	J. R. Zimmerman,
F. E. Graves,	J. F. Porter,	—64
R. C. Hill,	W. A. Price,	

Mr. Graves, of the Committee on Criminal Law to which the same had been referred, reported a bill of the following title:

H. B. 268. An act to amend and re-enact Section 1309 of Kentucky Statutes relating to carrying deadly weapons concealed.

With the expression of opinion that said bill ought not to pass.

The questions being taken on ordering said bill to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

Mr. Shanks of the Committee on Judiciary which originated the same reported a bill of the following title:

H. B. 397. An act to amend and re-enact Section 2463 of the Kentucky Statutes entitled Mechanics and Material Men which became a law February 25, 1893.

Said bill was read the first time at length, ordered to be printed and placed on the calendar.

By unanimous consent bills were introduced as follows:

By Mr. Robertson:

H. B. 398. An act concerning tenement houses, apartment houses and flat houses in cities of the First Class.

To Committee on Municipalities.

By Mr. Harris.

H. B. 399. An act to regulate and provide for the sale, assignment, surrender, release, pledge or mortgage of wages, pay, salary, commission or compensation due to any person by an individual, firm, association or corporation and to require the same to be in writing and to require any waiver of exemptions allowed by law to be acknowledged and making it unlawful to fill in the names or dates or other blanks in any such writing after the same has been signed and delivered by the person executing the same and providing penalties for the violations of this provision.

To Committee on Municipalities.

A message from the Senate announcing that they had concurred in resolutions adopted by the House of the following titles:

H. Res. 15. Resolution inviting the Governors' Conference to hold their next meeting in the new Capitol at Frankfort, Ky.

H. Res. 16. Resolution providing for the adjournment of the General Assembly on February 2, till February 4th proximo, out of respect to the memory of Wm. Goebel, late Governor of this Commonwealth.

Mr. Porter offered the following resolution, viz:

Resolved, That the Speaker of this House appoint a committee of three members of this House to ascertain what officials in this State elected in November, 1909, desire an increase of their salary and reasons therefor. Said committee will report to this House at its earliest convenience.

Mr. Carter moved that said resolution be referred to the Committee on Circuit Courts.

Said motion was agreed to.

And then the House adjourned until Monday, next February 7, at 12 o'clock meridian.

MONDAY, FEBRUARY 7, 1910.

The House was opened with prayer by the Rt. Rev. C. C. Penick, of the Protestant Episcopal Church.

The reading of the journal of the proceedings of Wednesday last was dispensed with.

A message was received from the Senate announcing that they had adopted a resolution and passed bills of the following titles, viz:

1. S. Res. 8. Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

2. S. B. 25. An act to amend Section 2054, Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

3. S. B. 29. An act to regulate the sale of opium or its alkaloidal salts or their derivatives or any admixture thereof.

4. S. B. 119. An act creating a State Board of Law Examiners prescribing their powers and duties and regulating the issual of licenses to attorneys at law.

5. S. B. 182. An act to further amend Section 564, Kentucky Statutes, being Section 27 of an act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

Said bills and resolution were ordered to be printed and referred,

1. To Committee on Rules.

2 and 3. To Committee on Public Health.

4. To the Committee on Judiciary.

5. To the Committee on Corporate Institutions.

The House took up for consideration from the calendar bills of the following titles, viz:

S. B. 4. An act to provide for the teaching of elements of agriculture in the public schools of this Commonwealth.

H. B. 156. An act creating a county text book commission to adopt for use in the common schools of each county in this Commonwealth a uniform series of text books, regulating the prices thereof, defining the powers and duties of said Commission and the method of selection of such text-books and their distribution and prescribing penalties for the violation of this act.

H. B. 158. An act to set apart an arbor and bird day.

H. B. 37. An act to amend an act entitled "An act for the government and regulation of the common schools of this State," approved March 24, 1908.

H. B. 45. An act to amend Section 625, Kentucky Statutes relating to insurance companies.

H. B. 186. An act to further regulate certain kinds of insurance business and providing penalties for its violation.

H. B. 31. An act designating the 12th day of October of each year "A legal holiday" to be known as Columbus Day.

H. B. 204. An act to display the United States Flag on school houses.

H. B. 198. An act to amend Section 500 of Kentucky Statutes of 1909, relating to the recording of contracts concerning land.

H. B. 62. An act to prevent accident in the use of gasoline, etc.

H. B. 246. An act to amend Subsection 4, Article 5, Title 10 of the Civil Code of Practice being Subsection 4 of Section 340 thereof, relating to new trials.

H. B. 163. An act permitting Charles Carroll to sue the State for a fee not exceeding $500 for legal services performed.

H. B. 84. An act making it a felony to abandon or wilwully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute circumstances.

H. B. 181. An act to amend Section 885 of the Kentucky Statutes edited by John D. Carroll and issued in 1903.

H. B. 180. An act to amend Section 1764 of Chapter 47 of the Kentucky Statutes, Carroll's edition of 1903, entitled "fees."

H. B. 17. An act to provide for the registration, identification and regulation of motor vehicles.

H. B. 41. An act to amend Section 1902 of Chapter 53 of the Kentucky Statutes.

H. B. 69. An act to amend Subsection 5 of Section 1403 Kentucky Statutes (Subsection 5 of Section 3821, Russells Statutes of Kentucky).

H. B. 231. An act to revise and amend an act entitled "An act to amend Sections 124 and 125 of an act entitled an act for the government of cities of the First Class approved July 1, 1893, approved March 21, 1902. Section 1 of said act being Section 2909 and 2910 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll in 1903.

H. B. 49. An act to authorize the appointment of a chief deputy or assistant assessor in counties having a population of forty thousand or over and under seventy-five thousand and providing for his compensation.

H. B. 107. An act to amend Section 1847, Kentucky Statutes, edition 1909, and to provide for temporarily filling the office of County Commissioner.

H. B. 140. An act to amend Section 3467, Kentucky Statutes in regard to cities of the Third Class.

H. B. 54. An act providing for a school medical inspector and fixing his duties in cities of the Second Class.

H. B. 87. An act lessening the period of confinement of prisoners confined in jail in the cities of the First Class.

H. B. 86. An act to establish the office of assistant physician to the jail in counties containing a population of one hundred and fifty thousand more.

H. B. 81. An act to amend an act entitled an act for the government of cities of the First Class approved July 1, 1893, for the better government and administration of school systems in cities of the first class and to create and perpetuate a pension or retirement fund for disabled public school teachers and to create and perpetuate a Board of Trustees for the management and conduct thereof and to pension members thereof after service of a term of years.

H. B. 144. An act to provide for the establishment of sewer systems in cities of the Third Class by ordinance granting a franchise to construct, maintain and operate such system, in, on or under the public streets and alleys in such cities, and providing for parties granted such franchise to exercise the State's right of eminent domain where is is deemed necessary to use private property for such purposes; and declaring an emergency.

H. B. 141. An act to amend Section 3369, Kentucky Statutes, relating to cities of the Third Class.

H. B. 183. An act to amend the school laws and to create boards of education and to define their duties in cities of the First Class.

H. B. 325. An act to amend that part of an act entitled An act for the government of cities of the First Class approved July 1, 1893, which relates to revenue and taxation.

H. B. 326. An act providing for the appointment of police matrons, jail matrons, a laundry matron at jail and workhouse matrons in cities of the First Class.

S. B. 18. An act to repeal Section 1725 of the Kentucky Statutes and being Sections 6 and 7, Chapter 33 of the Acts of 1894.

S. B. 2. An act to enable cities of the First Class to construct a public hospital.

H. B. 142. An act to amend Section 2054, Chapter 63, of the Kentucky Statutes relating to the State Board of Health.

H. B. 72. An act to amend Section 2618, Kentucky Statutes.

H. B. 137. An act to establish a bureau of vital statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths and burial or removal permits; requiring prompt returns to the Bureau of Vital Statistics as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing for certain penalties.

H. B. 259. An act to authorize arbitration of matters in controversy between the Commonwealth of Kentucky and contractor for labor of convicts; the Auditor of Public Accounts to name an arbitrator, the contractor to name another and the two thus selected to name a third and providing for settlement of award.

H. B. 78. An act to amend Chapter 21 of the Acts of 1906, entitled An act to amend Section 2560 of the Kentucky Statutes it being a portion of Article 1 of Chapter 1 of the Kentucky Statutes entitled "Liquors, Intoxicating."

H. B. 125. An act relating to crimes and punishments fixing a penalty for any person who shall drink intoxicating liquors or be drunk or disorderly upon any public common carrier or in or about any depot, station, ticket office, waiting room or platform of same, fixing the venue of the prosecution for a violation of same and providing that officers and agents of common carriers may arrest violators.

H. B. 66. An act to amend an act entitled An act permitting warehousemen to commingle tobacco of like grades, approved March 25, 1908.

H. B. 338. An act for the protection of the public health by regulating the sale of beef, veal, mutton, lamb and pork.

H. B. 59. An act to appropriate $50,000 to complete the work on the grounds of the new State Capitol.

H. B. 192. An act creating the county of Wilson.

H. B. 135. An act to declare lawful agreements to abstain from growing crops of any given kind for any definite period.

H. B. 253. An act to further regulate the pooling of farm products.

H. Res. 11. Resolution for the benefit of the ministers of the Gospel of Frankfort.

H. B. 109. An act to amend Section 1157a of the Kentucky Statutes edited by Hon. John D. Carroll, and the edition of 1903, relating to holding persons for ransom.

H. B. 11. An act to punish fruit tree vendors for the misrepresentation of their goods.

H. B. 195. An act empowering the executive council of the

State Normal Schools to extend the course of study and the requirements for an advanced certificate.

H. B. 122. An act for the benefit of the Kentucky Normal and Industrial Institute for colored persons.

H. B. 127. An act to extend the distribution of State publication.

H. B. 52. An act to make operative and give efficiency to Section 6 of an act of the General Assembly 1908, approved March 16, 1908, which makes it obligatory upon the State University to establish a medical college and make the necessary appropriation therefor.

S. B. 24. An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the Judge shall fail to attend or if in attendance can not properly preside.

H. B. 34. An act to repeal the Charter of the town of Newfoundland in Elliott County.

H. B. 207. An act to re-enact Section 3692, Kentucky Statutes, Carroll, 1903, which same is Section 3692, Kentucky Statutes, Carroll, 1909, relating to Municipal Corporations of the Sixth Class.

H. B. 160. An act compelling parents, guardians or other persons having control of children between the ages of seven and fourteen years of age to send said children to school and providing for a truant officer in each county.

H. B. 128. An act to amend the common school laws of Kentucky and provide for payment of teachers.

H. B. 35. An act to amend Section 4422, Carroll's Kentucky Statutes, by inserting after "appoint" the following, to-wit: "From each of two political parties casting the largest number of votes at the last county election," in relation to the Board of Examiners for common school certificates.

H. B. 266. An act to amend an act to amend Section 4315, Chapter 110, Kentucky Statutes, approved March 24, 1908.

H. B. 115. An act to regulate the admission of Attorneys to practice law in this Commonwealth.

S. B. 9. An act designing the 12th day of October of each year a legal holiday to be known as Columbus Day.

H. B. 19. An act to amend Chapter 58 of session acts 1908, entitled "An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States allowing pharmacists in a foreign State to practice pharmacy in the State of Kentucky.

H. B. 78. An act to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole; and to that end, for the appointment of an employment agent, to define his duties and fix his compensation and to further provide for the final discharge by the said Board, of paroled prisoners who shall have been obedient to the terms of their paroles.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with said bills were severally read the second time by their titles.

Ordered that said bills be placed in the orders of the day.

Mr. Klair moved that the consideration of the orders of the day

be postponed until after the call of the counties and Representative Districts for the introduction of bills.

Said motion was agreed to.

Upon the call of the counties and Representative Districts bills of the following titles were introduced and referred, viz:

By Mr. Clay:

H. B. 400. An act to provide for guarantee of bank deposits.

To Committee on Banks and Banking.

By same:

H. B. 401. An act to establish a plant for the prevention of hog cholera serum and the distribution of the same to the farmers of the State.

To Committee on Agriculture.

By Mr. Newell:

H. B. 402. An act to further define the duties and powers of the Board of Trustees of the Public Library, created by an act entitled "An act authorizing the establishment of Free Public Libraries in cities of the Second and Third Classes," approved March 21, 1902.

To Committee on Public Library.

By same:

H. B. 403. An act to authorize fiduciaries giving surety companies on their bonds to pay for said bonds out of the estate in their charge.

To Committee on Judiciary.

By Mr. Counts:

H. B. 404. An account to amend Section 2162, Article 2, Chapter 67 of Kentucky Statutes, Carroll's edition, 1909, relating to inquests for lunatics and idiots.

To Committee on Kentucky Statutes.

By Mr. Welch:

H. B. 405. An act to authorize cities of the Sixth Class to employ certain officers to keep the peace, collect taxes and enforce the ordinances of such cities and to authorize employment of special officers to do same.

To Committee on cities of the Fifth and Sixth Class.

By Mr. Klair:

H. B. 406. An act appropriating $5,065.42 for the payment of transportation of the Kentucky State Guard to the World's Fair Encampment at St. Louis in August and September, 1904.

To Committee on Appropriations.

By Mr. Brooks:

H. B. 407. An act authorizing the Fiscal Court of each county to purchase such official records, blanks, stationery and office supplies as are necessary in the transaction of official business and for which there is now no provision of law authorizing the purchase of said articles.

To Committee on County and City Courts.

By same:

H. B. 408. An act to amend Section 412 (7) Kentucky Statutes, Carroll's edition, 1909.

To Committee on County and City Courts.

By same:

H. B. 409. An act to amend Section 4315 of the Kentucky Statutes edited by the Hon. John D. Carroll and the edition of 1909, relating to public roads.

To Committee on County and City Courts.

By same:

H. B. 410. An act to amend Section 965 of the Kentucky Statutes which relates to the time of holding Circuit Courts in the First Judicial District.

To Committee on Circuit Courts.

By same:

H. B. 411. An act relating to the salaries of Circuit Judges.

To Committee on Circuit Courts.

By Mr. Crabtree:

H. B. 412. An act to prohibit bootlegging or selling liquors in local option districts.

To Committee on Public Morals.

By Mr. Niles:

H. B. 413. An act providing for the inspection of the dirt roads and public ditches by Magistrates within their magisteral districts.

To Committee on Public Ditches and Fences.

By Mr. Owings:

H. B. 414. An act to define gift enterprises and to provide a penalty for the carrying on of the same.

To Committee on Criminal Law.

By Mr. Cosgrove:

H. B. 415. An act to amend Section 1884 of Chapter 52 of the Kentucky Statutes, Carroll's edition of 1909, entitled, "Fiscal Courts," so far as the same applies to counties containing a city of the First Class.

To Committee on Municipalities.

By Mr. Harris:

H. B. 416. An act to amend an act entitled, "An act to regulate child labor and to make the provisions thereof effective approved March 18, 1908.

To Committee on Immigration and Labor.

By same:

H. B. 417. An act requiring corporations and individuals owning, holding, leasing or holding mortgage upon property whereby a retail liquor license is held to operate it in the name of said corporation or individuals.

To Committee on Public Morals.

By Mr. Carson:

H. B. 418. An act relating to hours of labor and sanitary condi-

tions to be observed in bakeries and confectionery establishments and providing penalties.

To Committee on Immigration and Labor.

By Mr. Robertson:

H. B. 419. An act to regulate express companies.

To Committee on Public Utilities.

By same:

H. B. 420. An act to amend Section 1835, Kentucky Statutes so far as same pertains to counties containing cities of the First Class.

To Committee on Municipalities.

By same:

H. B. 421. An act to amend an act entitled "An act concerning personal representatives."

To Committee on Judiciary.

By Mr. Mahin:

H. B. 422. An act to regulate the sale of agricultural seed.

To Committee on Agriculture.

By Mr. McVean:

H. B. 423. An act to amend Section 4748-B, Sub-section 5, Carroll's edition of the Kentucky Statutes of 1909, entitled Fiscal Court to acquire roads if proposition carries—tax levied and disposition thereof.

To Committee on Public Roads and Highways.

By same:

H. B. 424. An act providing for the creation and regulation of real estate investment companies.

To Committee on Judiciary.

By Mr. Price:

H. B. 425. An act relating to corporations organized under the general incorporation laws for the purpose of constructing, maintaining and operating bridges across rivers and streams within the boundry lines of this Commonwealth.

To Committee on Corporate Institutions.

By Mr. Creekmore:

H. B. 426. An act providing for the holding of County Courts and Circuit Courts in the county of Wilson, and assigning said county to the Judicial District for the election of Judge of the Court of Appeals and to the Judicial District for the holding of Circuit Courts, and to the Representative, Senatorial and Congressional Districts to which it belongs.

To Committee on State Capitol.

By Mr. Shanklin:

H. B. 427. An act to regulate veterinary practice in this Commonwealth.

To Committee on Public Health.

By Mr. Graves:

H. B. 428. An act to amend and re-enact Section 32 of Article 5 of "An act for the government of cities of the Second Class in the Commonwealth of Kentucky" Approved March 19, 1894, said Section being Section 3137 Kentucky Statutes, Carroll's edition, 1909.

To Committee on Municipalities.

By Mr. J. W. Perry:

H. B. 429. An act to repeal Section 4426 "A" Article 6 "A" of the Kentucky Statutes, Carroll's edition of 1909.

To Committee on Education No. 2.

By same:

H. B. 430. An act to prohibit the sale of shoddy or other such goods, wares and merchandise in this State.

To Committee on Criminal Law.

The Speaker laid before the House the following communication, viz:

Pewee Valley, Ky., Feb. 3, 1910.

Hon. House of Representatives
of Kentucky Legislature,

Sirs:

Through your chief clerk Hon. James E. Stone, I received information that your Honorable body have passed the following resolution.

"Resolved, By the House of Representatives, that the Superintendent of the Confederate Home of Kentucky be and he is hereby requested to furnish to this House the number of inmates now in the Home, and the highest number having been there at any time during

the last year and the expense percapita of keeping them there.

Also the number of persons employed on the pay-roll of the institution, and the salaries of each person so employed and at what employed."

In response to that resolution I have the honor to respectfully submit the following:

I make a quarterly report every three months. In these reports the whereabouts of each inmate is given during the quarter as far as known.

For the quarter ending Jan. 31, 1909. There have been registered to that date	435
Deceased	128
Expelled	17
Discharged at own request	5
Absent without permission	5
In Insane Asylum	3
Whereabouts unknown	6
Away on furlough	33
	197
At the Home during the quarter	238
Present by permission of Board	2
	240
Quarter ending April 30, 1909. Registered to that date	441
Deceased	137
On furlough	33
Expelled	17
Discharged at own request	5
Absent without permission	6
In Insane Asylum	4
Whereabouts unknown	6
	208
Present during quarter	233
By permission of Board	2
	235

Quarter ending July 31, 1909. Registered to that date	445
Deceased	149
On furlough	40
Expelled	17
Discharged at own request	5
Absent without permission	8
In Insane Asylum	2
	221
Present during quarter	234
By permission of the Board	2
Discharged	18
Absent without permission	8
	236
Quarter ending Oct. 31, 1909. Registered to that date	455
Deceased	155
Whereabouts unknown	7
In Insane Asylum	2
On furlough	31
	221
Present during the month	234
By permission of Board	2
	236

You will observe that the average number present and for which we drew per capita for the year 1909 was 236 3-4 and the highest number present during the year was 240, and in the quarter ending Jan. 31, 1909.

The quarter ending Jan. 31, 1910, there were 234 present which

The law under which the Home is maintained provides for a per capita allowance of one hundred and seventy-five dollars for each inmate, and it is all expended for their support including the pay of employes.

The following is a list of the number of employes and their pay:

	Per Month
Commandant	$125 00
Matron of the main building	40 00
Matron of the Infirmary	40 00
Physician	50 00
Bookkeeper	40 00
Steward	40 00
Assistant Steward	10 00
Seamstress	40 00
Engineer, who pays for assistant	90 00
Head nurse	40 00
Night nurse	30 00
Assistant night nurse	18 00
Day nurse	25 00
Two assistant day nurses, $18.00 each	36 00
Cook in main building	35 00
Assistant cook in main building	20 00
Cook in Infirmary	30 00
Assistant cook in Infirmary	18 00
Night watchman	15 00
Wagon driver	15 00
Night fireman	15 00
Six laundry hands, per day	90
Twelve waiters and house boys for main building and Infirmary, per day	60

All of which I respectfully submit,

HENRY GEORGE,
Commandant.

Which was ordered to be filed.

Mr. Zimmerman moved that a bill entitled

H. B. 163. An act permitting Charles Carroll to sue the State for a fee not exceeding $500.00 for legal services performed.

Be made the special order of the day for to-morrow morning at eleven o'clock.

Said motion was disagreed to.

Mr. Waggoner moved that a bill entitled

H. B. 125. An act relating to crime and punishment fixing a penalty for any person who shall drink intoxicating liquors or be drunk or disorderly upon any public common carrier or in or about any depot, station, ticket office, waiting room or platform of same, fixing the venue of the prosecution for a violation of same and providing that officers and agents of common carriers may arrest violators.

Be made the special order of the day for Wednesday, the 9th inst., at 10:45 o'clock A. M.

Said motion was disagreed to.

The yeas and nays being required on said motion by Messrs. Meyers and Graves, were as follows, viz.:

Those who voted in the affirmative were—

P. W. Berkshire,	H. L. Lewis,	G. T. Reynolds,
J. M. Blair,	Ben E. Niles,	W. L. Shearer,
S. M. Carson,	J. W. Perry,	J. W. Turner,
Z. T. Coleman,	John C. Pirtle,	Geo. C. Waggoner,
S. F. Crabtree,	W. F. Pitman,	J. H. Williams,
Chas. W. Fulton,	J. F. Porter,	J. R. Zimmerman,
O. M. Kelsey,	R, A, Read,	—20

Those who voted in the negative were—

W. D. Allbright,	O. Houston Brooks,	Henry Chunn,
J. W. Berkshire,	Frank J. Brown,	M. G. Colson,
Eli Berry,	J. T. Buford,	Albert J. Counts,
J. O. Bogie,	L. H. Carter,	Peter J. Cosgrove,
W. A. Bradley,	J. P. Chinn,	W. L. Craig,

H. C. Duffy,	J. H. McWaters,	J. T. Riherd,
L. W. Francis,	R. H. Moss,	Farris Roberts, Jr.
G. G. Frazier,	H. J. Meyers,	S. C. Roberts,
T. D. Graham,	W. H. Newell,	Samuel L. Robertson,
F. E. Graves,	L. C. Owings,	S. A. Shanklin,
L. B. Herrington,	C. C. Patrick,	John S. Steers,
Hite Huffaker,	W. A. Price,	J. J. Taylor,
R. Dillard Hunter,	L. R. Ray,	Edward A. Weber,
W. T. Kenton,	Geo. W. Reid,	W. F. Welch,
Wm. F. Klair,	H. T. Rich,	W. R. Whitlow,
J. H. Lackey,	J. F. Richardson,	L. F. Withers, —48

The House took up for consideration from the orders of the day a bill entitled

H. B. 26. An act to amend Chapter 89 of the Kentucky Statutes entitled "Municipal Corporations."

Said bill is as follows, viz.:

AN ACT to amend Chapter 89 of the Kentucky Statutes, entitled "Municipal Corporations."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3713 of the Kentucky Statutes be amended to read as follows: "No city shall become incorporated as such unless it contains at least one hundred and twenty-five inhabitants residing within the boundaries proposed to be established for such city; nor shall the boundary of any city, when incorporated, exceed one-fourth of a mile in each direction, the form of the city being square; Provided however, that any unclassified municipality or incorporated district having by its charter a grant of municipal powers and now exercising the same, may be incorporated as a city with its present territorial boundaries."

§ 2. That Section 3714 of the Kentucky Statutes be amended

to read as follows, "Proceedings to incorporate a city shall be commenced by a petition signed by at least two-thirds of the voters living within the boundary of the proposed city, or, in cases of unclassified municipalities or incorporated districts having by charter a grant of municipal powers and now exercising the same, by its petition, accompanied by requests for such action signed by a majority of the voters resident therein; filed in the Circuit Court clerk's office of the county in which the greater part of such territory is located, not less than twenty days before the commencement of the next regular term of said court, and notice of the filing of such petition and the object thereof published in two issues of some newspaper of general circulation published in the county, or, if none, by notices posted for at least ten days before the commencement of the term, one at the court house door, and three others at public places within the bounds of the proposed city. The petition shall set out the metes and bounds of the proposed city, the number of the voters and inhabitants resident within the boundary thereof, the name proposed therefor and such other facts as may be thought proper."

§ 3. That Section 3715 of the Kentucky Statutes be amended to read as follows, "On the second day of the term the court shall, if proper notice has been given or publication made, and no defense is interposed, enter a judgment establishing a city in accordance with the prayer of the petition, naming it, describing the boundary thereof by metes and bounds, determining the number of inhabitants thereof and appointing therefor, in accordance with Section 152 of the Constitution of the Commonwealth of Kentucky, the officers necessary for carrying on the government of such city. Defense may be made to the petition by any inhabitant of the proposed city and if defense is made, the court shall hear and determine the same and render a judgment establishing or refusing to establish a city, as to it may seem proper. But if the court shall be satisfied that the population within the prescribed boundary is sufficient, and the proper notice and publication has been made or given, it shall have no discretion as to the establishment of the city. The pleadings and practice, except as herein provided, shall be the same as in equity causes, but no appeal shall lie from the judgment."

§4. That Section 3716 of the Kentucky Statutes be amended

to read as follows, "After a judgment establishing a city has been rendered, and until it has, by an act of the General Assembly, been assigned to such class as it belongs, all the provisions of the general law relating to cities of the class to which such city would be entitled to enter by virtue of its population, shall apply and be in full force and effect in said city the same as if said city belonged to such class; and at the first regular election held after the judgment is entered, establishing said city, at which officers for such city may be elected, if it has not therefore been assigned to another class, an election shall be held in the manner and as provided in the law relating to cities of such class. When such city is, by act of the General Assembly, assigned to the class to which it belongs, all the laws relating to and governing cities of such class shall be in full force and effect in such city."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. H. Carter,	G. G. Frazier,
J. W. Berkshire,	J. P. Chinn,	Chas. W. Fulton,
P. W. Berkshire,	Henry Chunn,	T. D. Graham,
Eli Berry,	Sidney G. Clay,	F. E. Graves,
T. M. Bertram,	Z. T. Coleman,	Robt. L. Harris,
J. M. Blair,	M. G. Colson,	John W. Holland,
J. O. Bogie,	Albert J. Counts,	Hite Huffaker,
W. A. Bradley,	Peter J. Cosgrove,	R. Dillard Hunter,
O. Houston Brooks,	S. F. Crabtree,	O. M. Kelsey,
Frank J. Brown,	W. L. Craig,	Wm. F. Klair,
J. T. Buford,	H. C. Duffy,	J. H. Lackey,
S. M. Carson,	L. W. Francis,	H. L. Lewis,

Hugh Mahin;	J. F. Richardson,	S. A. Shanklin,
J. H. McWaters,	J. T. Riherd,	W. L. Shearer,
R. H. Moss,	Farris Roberts, Jr.	J. W. Turner,
H. J. Meyers,	S. C. Roberts,	Edward A. Weber,
Ben E. Niles,	John S. Steers,	W. F. Welch,
W. H. Newell,	J. J. Taylor,	W. R. Whitlow,
L. C. Owings,	W. F. Pitman,	J. H. Williams,
C. C. Patrick,	J. F. Porter,	L. F. Withers,
J. W. Perry,	W. A. Price,	J. R. Zimmerman,
John C. Pirtle,	L. R. Ray,	—68
G. T. Reynolds,	R, A, Read,	
H. T. Rich,	Geo. W. Reid,	

Resolved, that the title thereof be as aforesaid.

Mr. Klair moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled

H. B. 113. An act to amend Section 3490, Subsection 22 of the Kentucky Statutes relating to Charters of cities of the Fourth Class.

Said bill is as follows, viz:

An act to amend Section 2490, Subsection 22, of the Kentucky Statutes, relating to charters of cities of the Fourth Class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3490, Subsection 22, of the Kentucky Statutes, Carroll's Edition of 1909, be and the same is hereby amended by adding to said subsection the following: "Whenever property is needed for municipal purposes, and for the purposes mentioned in this section, and an ordinance is enacted so declaring, the proper authorities of the

city may, if compensation thereof cannot be agreed upon, proceed to condemn the same in the manner provided for the condemnation of land for railroad purposes," so that said subsection when amended shall read as follows:

"WORK-HOUSE, POOR-HOUSE, BURIAL GROUND, PUBLIC LIBRARY. To erect a work-house, poor-house, station-house and house of correction, or all or either of them, and to provide for the maintenance, regulation and government thereof, and of the persons confined therein, and to provide, maintain and regulate a public burial ground; to establish, maintain and regulate a local library, and raise subscriptions, donations and gifts thereto.

Whenever property is needed for municipal purposes, and for the purposes mentioned in this section, and an ordinance is enacted so declaring, the proper authorities of the city may, if compensation thereof cannot be agreed upon, proceed to condemn the same in the manner provided for the condemnation of land for railroad purposes."

§ 2. That all acts and parts of acts in conflict with this act be, and the same are hereby repealed.

§ 3. Because of the necessity in providing sufficient burial ground in some of the cities of the Fourth Class in this Commonwealth, an emergency is declared to exist, and this act shall take effect immediately upon its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
J. O. Bogie,
W. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
Z. T. Coleman,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
H. C. Duffy,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
John W. Holland,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
J. H. McWaters,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
J. F. Porter,
W. A. Price,
L. R. Ray,
R, A, Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. A. Shanklin,
W. L. Shearer,
John S. Steers,
J. J. Taylor,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
—62

Resolved, that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled.

H. B. 105. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in First, Second and Third Class cities.

Together with the substitute proposed therefor by the Committee on Municipalities.

Mr. Niles moved that said bill and subtitute amendment be re-committed to the Committee on Municipalities.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled

H. B. 106. An act relating to the holding of Circuit Courts in counties having therein cities of the Second and Third Class.

Said bill is as follows, viz:

An Act relating to the holding of Circuit Courts in counties having therein cities of the Second and Third Class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any county of this Commonwealth having therein, or that may hereafter have therein, a city of the second or third class, not a county seat, and being more than ten miles from the county seat, the distance to be measured from the court-house at said county seat to the post-office of said second or third class city, and along the most convenient and usually traveled route, the Circuit Courts of such counties shall be held alternately so as to divide the time between the county seat, and the said second or third class city, as the business may require, the first part of each term as now provided by law to be held at the county seat, and the other part of the term to be held at said second or third class city.

It shall be the duty of the Judge of the Circuit Court of the Judicial district, in which said second or third class city is situated, to cause to be summoned and impaneled grand and petit juries, and in all things to conduct the said court in said second or third class city in the same manner as provided by law for holding courts in the county seats of the county in which the second or third class city is located: Provided, however, that said Circuit Court may adjourn the grand or

petit jury selected for the holding of courts at either of said places to to other.

All civil cases brought and prosecuted in said county, shall be tried in the court nearest where the defendant resides, the distance to be measured along and by the most convenient and usually traveled route. Where there are two or more defendants, part of whom reside near the county seat, and part near the said second or third class city, the case may be tried at either place. In all cases the court shall have a liberal discretion, and may try any case at either place, where the ends of justice and convenience of the greater number of parties and witnesses may be subserved and the decision of the court in this regard shall be final, and not subject to exception, or review on appeal.

Criminal cases shall be tried at the place nearest where the offense was committed, provided, if the court be of the opinion that the ends of justice would be better subserved thereby, he may try any criminal case at either of said places, and it shall not be a ground of appeal to reversal that any such case was tried at one place when it should have been tried at the other.

Any second or third class city coming within the provisions of this act shall be entitled to its benefits, whenever suitable provision is made by said city for furnishing a court room, a safe and suitable vault and depository for all books, papers and records pertaining to the said Circuit Court and any other expense to the county, and whenever it is made to appear to the Circuit Judge that said city has made the necessary provisions for holding said court, as provided in this act, it shall then be the duty of said Judge, upon application of said second or third class city, on the first day of the first term after filing said application, to enter an order directing the latter portion of said term, and each term thereafter to be held in said second or third class city, and all cases shall be assigned for trial at one or the other of said places of holding said court, in accordance with the terms of this act.

Mr. Price offered the following amendment to said bill.

Amend by striking out the words "second or" before the words

"Third class" in the second, fifth, eighth, tenth, thirteenth, fifteenth, seventeenth, twenty-fourth, thirty-sixth, forty-third and forty-sixth line of section one of said bill.

Said amendment was agreed to.

Ordered, that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed said bill as amended was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
W. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
H. C. Duffy,
L. W. Francis,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
J. W. Perry,
John C. Pirtle,
J. F. Porter,
W. A. Price,
L. R. Ray,
R, A, Read,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.
S. C. Roberts,
Samuel L. Robertson,
S. A. Shanklin,
W. L. Shearer,
John S. Steers,

J. J. Taylor,	W. F. Welch,	J. R. Zimmerman,
J. W. Turner,	W. R. Whitlow,	—69
Geo. C. Waggoner,	J. H. Williams,	
Edward A. Weber,	L. F. Withers,	

Mr. Price moved to amend the title of said bill as follows:

Strike out the words "second and."

Said amendment was agreed to.

Resolved, that the title thereof be as follows, viz:

An act relating to the holding of Circuit Courts in counties having therein cities of the third class.

The hour of 2 o'clock having arrived the House stood adjourned until to-morrow morning at 10 o'clock.

TUESDAY, FEBRUARY 8, 1910.

The House was opened with prayer by the Rev. J. S. Sims, of the Methodist Episcopal Church, South.

The reading of the Journal of yesterdays proceedings was dispensed with.

Petitions were presented as follows, viz:

By Mr. Brooks:

The petition of sundry citizens of Graves County asking the enactment of a law making the illicit sale of spirituous, vinous and malt liquors a felony.

By Mr. Wilson:

Petition of Newport Nest No. 1015, Order of Owls, remonstrating against the passage of a bill against burial associations.

By Mr. Ray:

Petition of sundry citizens of Hopkins County asking that the present law in regard to the sale of family medicine remain as it is.

By Mr. Lewis:

Petition of sundry citizens of Boyd County remonstrating against the repeal of the dog tax law.

By same:

Petition of sundry citizens of Boyd County asking the passage of H. B. 210, amending the present exemption law.

By Mr. Chunn:

Petition of sundry citizens of Calloway County asking the passage of a law granting a pension to ex-Confederate soldiers.

By Mr. Faris Roberts, Jr.:

Petition of sundry citizens of Clay County remonstrating against the passage of S. B. 23.

By Mr. Turner:

Petition of sundry citizens of Johnson County, remonstrating against the repeal of the dog tax law.

By Mr. Kenton:

Petition of sundry citizens of Robertson County remonstrating against the repeal of the dog tax law.

By same:

Petition of sundry citizens of Nicholas and Robertson Counties asking that the law governing the sale of family and veterinary medicines from wagons remain as it is.

By Mr. Brown:

Petition of sundry citizens of Nelson County protesting against the passage of H. B. 3.

Said petitions were received, the reading dispensed with and referred,

1. To Committee on Public Morals.

2. To Committee on Judiciary.

3. To Committee on Revenue and Taxation.

4, 8, and 9. To Committee on Agriculture.

5. To Committee on Kentucky Statutes.

6. To Committee on Confederate Home.

7. To Committee on Insurance.

10. To Committee on Public Health.

11. To Committee on Court of Appeals.

A message was received from the Senate announcing that they had passed a bill entitled:

S. B. 129. An act to amend the school laws and to create boards of education and to define their duties in cities of the First Class.

Said bill was ordered to be printed and referred to the Committee on Municipalities.

The committees to which the same have been referred reported bills of the following titles, viz:

By Mr. Shanklin, of the Committee on Agriculture:

H. B. 79. An act to provide for the destruction of the carcus of swine dying from cholera or other disease.

By same:

H. B. 265. An act to amend Sections 2 and 12 of an act entitled, "An act to prescribe the powers and duties of the Commissioner of Agriculture, Labor and Statistics, approved April 2, 1892, same being Chapter 16 of the Acts of 1891, 1892 and 1893, said sections being respectively Section 32 and Section 42, Chapter 4 of the Kentucky Statutes compiled and edited by John D. Carroll in 1909.

By Mr. Price, of the Committee on Court of Appeals:

H. B. 3. An act to provide for the reporting and publication of the opinions of the Court of Appeals of Kentucky.

With an amendment thereto by way of substitute therefor.

By Mr. Richardson, of the Committee on Cenfederate Home:

H. B. 250. An act granting pensions to disabled, indigent Confederate soldiers.

By Mr. Clay, of the Committee on Fish and Game:

H. B. 209. An act to amend Section 1944a, concerning rabbits and squirrels.

With an amendment thereto, by way of substitute therefor.

By Mr. Holland, of the Committee on Insurance:

H. B. 151. An act to further regulate assessment fire insurance companies.

With an amendment thereto.

By Mr. Cosgrove, of the Committee on Interurban and Electric Railways:

H. B. 47. An act to amend "An act relating to interurban electric railroads and defining their powers and duties," approved March 11, 1902.

With an amendment thereto by way of substitute therefor.

By Mr. Pirtle, of the Committee on Mines and Mining:

H. B. 130. An act to amend Subsection 3 of Section 2739b of the Kentucky Statutes relating to mines and mining.

With an amendment thereto by way of substitute therefor.

By Mr. Klair, of the Committee on Municipalities:

H. B. 274. An act to amend an act for the government of cities of the First Class, approved July 1, 1893.

By same:

H. B. 287. An act relating to public improvements in cities of the Second Class.

By same:

S. B. 5. An act to amend Section 3490, Subsection 22 of the Kentucky Statutes relating to charters of cities of the Fourth Class.

By same:

S. B. 8. An act to amend Section 2 of Article 1 of an act entitled, "An act relating to revenue and taxation," approved March 15, 1906.

By same:

S. B. 31. An act giving power to certain counties to supplement the salaries of certain public officers and to ratify their action in respect thereto.

By Mr. Shanks, of the Committee on Rules:

S. Res. 8. Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

The hour of 12 o'clock meridian having arrived,

Mr. Waggoner moved that the consideration of the orders of the day be postponed until the call of the committee is completed.

Said motion was agreed to.

Continuing the reports of committees,

By Mr. Lackey, of the Committee on Public Health:

H. B. 352. An act to amend Section 2632 of Carroll's Statutes relating to pharmacy.

By same:

S. B. 25. An act to amend Section 2054, Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

By Mr. Waggoner, of the Committee on Public Morals:

H. B. 77. An act to divorce the liquor trade from the grocery business.

By same:

H. B. 269. An act in relation to pandering, to define and prohibit the same, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

With an amendment thereto.

By same:

H. B. 93. An act to protect religious worship in assemblages known as associations, camp-meetings, etc. With amendment.

By Mr. Crecelius, of the Committee on State Prisons and Houses of Reform:

H. B. 199. An act to amend Sections 524 and 526, Chapter 30, Kentucky Statutes entitled, "Convict made goods—coal, coke.

By Mr. McVean, of the Committee on State University and Normal Schools:

H. B. 194. An act for the benefit of the State University Eastern Normal, Western Normal School.

With an amendment thereto.

By Mr. Zimmerman, of the Committee on County and City Courts:

H. B. 162. An act relating to the duties of county surveyors and amending Section 2 of Chapter 108 of the Act of March 24, 1904, defining duties of county surveyors.

By same:

H. B. 331. An act to amend Section 1730, Kentucky Statutes so as to increase the fees of jailers.

By same:

H. B. 332. An act to amend Section 356, Kentucky Statutes so as to increase the fees of jailers.

By same:

H. B. 333. An act to amend an act allowing Fiscal Courts to pay jailers for taking charge and care of the public property in the county.

By same:

H. B. 286. An act to induce better behavior during the period of confinement of prisoners in jail of this Commonwealth.

By same:

H. B. 56. An act to authorize Fiscal Courts to provide for the completion of any incomplete set of the official edition of the Kentucky Reports.

By same:

H. B. 42. An act to amend Section 4309 of Chapter 110 of the Kentucky Statutes.

Said bills were severally read the first time at length and ordered to be placed upon the calendar.

Ordered that the substitutes proposed by the committees to H. B. 3 and H. B. 130, be printed for the use of the members.

The committees to which the same had been referred reported the following bills with the expression of opinion that the same ought not to pass.

By Mr. Shanklin, of the Committee on Agriculture:

H. B. 182. An act for the promotion of agriculture and horticulture among the negroes.

By Mr. Zimmerman, of the Committee on County and City Courts:

H. B. 309. An act to abolish the office of assessor and to provide for the taking of assessments of property by Justices of the Peace in their respective magisterial districts of the counties wherein they reside.

By Mr. Williams, of the Committee on Immigration and Labor:

H. B. 97. An act for the protection of life and property against loss or damages from the operation of steam boilers in this State and to provide for the inspection of steam boilers and to create the office of State Steam Boiler Inspector.

By same:

H. B. 317. An act prohibiting labor on the Fourth of July, the 25th of December and Thanksgiving Day and providing therefor.

By Mr. Owings, of the Committee on Public Roads and Highways:

H. B. 229. An act to amend an act entitled, "An act to continue in force drainage system established and operated by drainage corporations heretofore in any of the counties of Kentucky, this act to be Section 2417a, Kentucky Statutes and being Sections 4497 to 4511 of Russells Statutes of Kentucky and being Chapter 151 of the Acts of 1906.

By same:

H. B. 39. An act making it unlawful to haul a load exceeding

two tons in weight on turnpike or gravel roads with a tire or tread less than three and one half inches broad.

The question being severally taken on ordering each of said bills to be read the first time the opinion of the committee to the contrary notwithstanding it was decided in the negative.

And so said bills were severally rejected.

Mr Klair, of the Committee on Municipalities to which the same had been recommitted reported a bill entitled,

H. B. 105. An act to secure the registration of plumbers and supervision and inspection of plumbing and draining in First, Second and Third Class cities.

Together with the amendment thereto by way of substitute therefor heretofore proposed by said Committee.

Said bill is as follows, viz:

AN ACT to secure the Registration of Plumbers, and the Supervision and Inspection of Plumbing and Drainage in First, Second and Third Class Cities:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person now or hereafter engaging in or working at the business of plumbing in cities of the First, Second and Third Classes of this Commonwealth, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing any plumbing fixtures or material, shall first receive a certificate in accordance with the provisions of this act.

§ 2. That within ninety days after this act becomes a law, and thereafter, all persons engaging in or working at, the business of plumbing in this State, either as a journeyman plumber or as a master

plumber working in the capacity of a journeyman plumber, or any person installing or placing plumbing fixtures or material, shall make application to the Board of examiners hereinafter provided for, and shall at such time and place as the Board may designate, be required to pass such examination as to his qualification and competency as a plumber, as the Board may prescribe. The examination shall be of such a character as to thoroughly test the applicant's ability both practically and theoretically.

§ 3. There shall be in every city of the First, Second and Third Classes in this State, a Board of Examiners of plumbers consisting of four members, two of whom shall be master plumbers and two journeymen plumbers. Said Board shall be appointed by the Mayor and approved by the General Council, or by the Board of Trustees of said city, within ninety days after the passage of this law, for the term of one year from the first day of May of the year of appointment, and thereafter annually before the first of May, and shall be paid from the treasury of said city the same as other officers in such sums as the authorities may designate, but in no case shall the salary or fees of aforesaid Board exceed 50 per cent of fees collected for examinations as hereinafter provided for. No person shall be eligible as a member of this Board who has not served a regular apprenticeship and worked as a practical journeyman, for a period of five years or more.

§ 4. All members of such Board shall be citizens and actual residents of the cities in which they act.

§ 5. The Board of Examiners of plumbers shall within twenty days after their appointment, meet and shall designate the time and place of the examination of all applicants for plumbers' certificates within their respective jurisdiction. Said Board shall examine all applicants as to their knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant authorizing him to work at the business of plumbing, and to place and install plumbing fixtures and material, and it shall be unlawful for any persons to work in the capacity of a journeyman plumber or to install plumbing fixtures or material unless he shall have first obtained a

certificate of competency. The Board shall keep and preserve a record of all persons examined by them and to whom a certificate of qualification has been issued.

All certificates of qualification issued under the provisions of this act must be renewed by the holders thereof every five years, but upon renewal no examination shall be required. For each certificate or renewal of a certificate the Board shall collect five dollars to be paid into the treasury of the city in which said Board acts.

§ 6. The Board constituted as above set forth shall be further charged with the duty and invested with the power to formulate a code of rules regulating the work of plumbing and drainage in the city for which the Board is appointed and serves, said regulations to include the materials and workmanship and manner of executing the work connected with plumbing and drainage. The Board may from time to time add to, amend or alter such rules.

After the Board as aforesaid has prepared its code of rules or any amendment or alteration thereof, the same shall be communicated to the General Council or Board of Trustees of the city in which said Board is appointed and acts, and within ninety days after the same has been submitted to said General Council or Board of Trustees, that body shall by proper action either accept said rules and regulations and incorporate them as a part of the municipal law, or by proper resolution expressly reject, as a whole or in part, the recommendations as made by the Board.

In the event the General Council or Board of Trustees rejects the code of rules or any part thereof as reported by the Board of Plumbing Examiners as herein provided, then the General Council or Board of Trustees of the city must adopt other rules and regulations prescribing the material, construction and repairs, and installation of all plumbing, sewerage and drainage placed in or in connection with any building in any said city or town.

§ 7. The use of all unsafe and defective material in the work of plumbing and drainage is prohibited, and only the best known methods of installing all materials and fixtures, including supply pipes, waste,

ventilation, soil pipe and sewerage shall be employed. It shall be unlawful to use in the work aforesaid extra light lead pipes, bends and traps, and all combination lead and iron or combination lead and brass ferrules, bends or traps; but there shall be employed only the best known methods of joining lead to iron pipes by use of heavy cast brass ferrules properly wiped with solder to lead.

§ 8. In all cities of the First, Second and Third Classes, there shall be appointed by the Mayor of the same, one chief plumbing inspector, and such number of deputy inspectors as the General Council or Board of Trustees of said city may designate. The duty of such officers shall be to inspect all plumbing and drainage done in their respective cities, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the Examining Board and shall take part in its proceedings whenever the said Board may have under consideration the formation and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the General Council or Board of Trustees. Said inspector shall also have the deciding voice and vote in all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said Board are unable to agree. No person shall be eligible to the office of plumbing inspector unless he have at least ten years practical experience in the business of plumbing, and he shall not be connected in any way with any firm or corporation directly or indirectly engaged in the business of plumbing.

§ 9. The plumbing and drainage of all buildings, both public and private, shall be executed in accordance with the provisions of this act, and the rules and regulations adopted by the city or board as herein provided; and all repairs and alterations in plumbing and drainage of all buildings shall be executed in accordance with said law, rules and regulations.

§ 10. The plumbing department of every city or town in this State, consisting of the Examining Board, the chief inspector and his deputies, shall be under the supervision of the Board of Health of said city or town, and the chief inspector shall make a complete report of this department to said Board of Health at the end of each year.

§ 11. By the term plumbing as in this act used is included all

work of every character connected with the installation or repair of any plumbing fixtures or material, as well as all work connected with the drainage of buildings or property; likewise all work requiring connections with street sewers or water mains or with plumbing ventilation.

§ 12. Any person, firm or corporation violating any of the provisions of this act, or any rule or regulation established or prescribed under the authority herein designated, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars or more than fifty dollars for each and every violation thereof; and in addition the certificate of all persons involved in such violation may be revoked by the Board as hereinbefore provided.

§ 13. All acts and parts of acts inconsistent with the provisions herein contained are declared to be repealed.

The substitute therefor as proposed by the Committee is as follows, viz:

AN ACT to secure the registration of plumbers and the supervision and inspection of plumbing and drainage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person now or hereafter engaging in or working at the business of plumbing in cities of the First, Second and Third Classes of this Commonwealth, either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber or any person installing or placing plumbing, fixtures or material, shall first receive a certificate in accordance with the provisions of this act.

§ 2. That within ninety days after this act becomes a law all persons engaged in or working at the business of plumbing in this State, either as a journeyman plumber, or as a master plumber working in the capacity of a journeyman plumber or any person installing or placing plumbing fixtures or material, shall make application to

the Board of Examiners hereinafter provided for, and shall at such time and place as the Board may designate, be required to pass such examination as to his qualification and competency as a plumber, as the Board may prescribe.

The examination shall be of such a character as to thoroughly test the applicants ability both practically and theoretically.

§ 3. There shall be in every city of the First, Second and Third Class in this State, a Board of Examiners of plumbers consisting of four members, two of whom shall be master plumbers and two journeymen plumbers. Said Board shall be appointed by the Mayor and approved by the General Council, or by the Board of Trustees of said city, within ninety days after the passage of this law, for the term of one year from the first of May of the year of appointment and thereafter annually before the first of May, and shall be paid from the Treasury of said city the same as other officers in such sums as the authorities may designate but in no case shall the salaries or fees of the aforesaid Board exceed fifty per cent of the fees collected for examination as hereinafter provided for. No person shall be eligible as a member of this Board who has not served a regular apprenticeship and worked as a practical journeyman for a period of five years or more.

§ 4. All members of such Board shall be citizens and actual residents of the cities in which they act.

§ 5. The Board of Examiners of Plumbers shall within twenty days after their appointment, meet and shall then designate the time and place of the examination of all applicants for plumbers' certificates within their respective jurisdiction. Said Board shall examine all applicants as to their knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant authorizing him to work at the business of plumbing, and to place and install plumbing fixtures and material, and shall be unlawful for any person to work in the capacity of a journeyman plumber or to install plumbing fixtures or material unless he shall have obtained a certificate of competency. The Board shall keep and preserve a record of all persons

examined by them and to whom a certificate of qualification has been issued.

All certificates of qualification issued under the provisions of this act must be renewed by the holders thereof every five years, but upon renewal no examination shall be required. For each certificate or renewal of a certificate the Board shall collect five dollars to be paid into the Treasury of the city in which said Board acts.

§ 6. The constituted as above set forth shall be further charged with the duty and vested with the power to formulate a code of rules regulating the work of plumbing and drainage in the city for which the Board is appointed and serves, said regulations to include the material and workmanship and manner of executing the work connected with plumbing and drainage. The Board may from time to time add to, amend or alter such rules.

After the Board as aforesaid has prepared its code of rules or any amendment or alteration thereof, the same shall be communicated to the General Council or Board of Trustees of the city in which said Board is appointed and acts and within ninety days after the same has been submitted to said General Council or Board of Trustees, that body shall by proper action either accept said rules and regulations and incorporate them as a part of the municipal law, or by proper resolution expressly reject, as a whole or in part, the recommendations as made by the Board.

In the event the General Council or Board of Trustees rejects the code of rules or any part thereof as reported by the Board of Plumbing Examiners as herein provided, then the General Council or Board of Trustees of the city, must adopt other rules and regulations prescribing the material, construction and repairs and installation of all plumbing, sewerage and drainage placed in or in connection with any building in said city or town.

§ 7. The use of all unsafe and defective material in the work of plumbing and drainage is prohibited, and only the best known methods of installing all material and fixtures including supply pipes, waste, ventilation, soil pipe and sewerage shall be employed. It shall be unlawful to use in the work aforesaid extra lead pipes, bends and traps,

and all combination lead and iron or combination lead and ferrules, bends or traps; but there shall be employed only best known methods of jointing lead to iron pipes by use of heavy cast brass ferrules properly wiped with solder to lead.

§ 8. In all cities of the First, Second and Third Classes there shall be appointed by the mayor of the same one chief plumbing inspector and such number of deputy inspectors as the General Council or Board of Trustees of said city may designate, said city plumbing inspector and deputy inspector shall be appointed by the mayor and approved by the General Council or Board of Trustees of said city within ninety days after the passage of this law for the term of one year from the first of May of the year of appointment, and thereafter annually before the first of May, shall be paid from the Treasury of said city at such salary as the authorities may designate. The duty of such officers shall be to inspect all plumbing and drainage done in their respective cities, and to enforce the provisions of this act and secure the proper performance of such work. The chief inspector shall preside at all meetings of the Examining Board and shall take part in the proceedings whenever said Board may have under consideration the formation and submission of rules and regulations governing the work of plumbing and drainage to be submitted to the General Council or Board of Trustees. Said inspector shall also have the deciding voice and vote in all matters connected with the examination of applicants and granting of certificates whenever the remaining members of said Board are unable to agree. No person shall be eligible to the office of Plumbing Inspector unless he have at least ten years practical experience in the business of plumbing, and he shall not be connected in any way with any firm or corporation, directly or indirectly engaged in the business of plumbing, and shall be a citizen and actual resident of the city in which he acts.

§ 9. The plumbing and drainage of all buildings, both public and private, shall be executed in accordance with the provisions of this act and the rules and regulations adopted by the city or Board as herein provided; and all repairs and alterations in plumbing and drainage of all buildings shall be executed in accordance with said law, rules and regulations.

§ 10. The plumbing department of every city or town in this State, consisting of the Examining Board, the chief inspector and his deputies shall be under supervision of the Board of Health of said city or town, and the chief inspector shall make a complete report of this department to said Board of Health at the end of each year.

§ 11. By the term plumbing in this act used is includes all work of every character connected with the installation or repair of any plumbing fixtures or material connected with the drainage of buildings or property; likewise all work requiring connections with street sewers or water mains or with plumbing ventilation.

§ 12. Any person, firm or corporation violating any of the provisions of this act, or any rule or regulation established or prescribed under the authorities herein designated, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifty dollars for each and every violation thereof; and in addition the certificate of all persons involved in such violation may be revoked by the Board as hereinbefore provided.

§ 13. All acts and parts of acts inconsistent with the provisions herein contained are declared to be repealed.

Mr. Niles offered the following amendment to said substitute,

Amend by striking out the word "Third" wherever it appears relating to a city's class so that when so amended the operation of this act shall apply only to cities of the First and Second Classes.

Said amendment was agreed to.

Said substitute as amended was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	Geo. W. Reid,
J. W. Berkshire,	F. E. Graves,	G. T. Reynolds,
P. W. Berkshire,	Harris, Robt. L.	H. T. Rich,
J. M. Blair,	L. B. Herrington,	J. F. Richardson,
J. O. Bogie,	Samuel D. Hines,	J. T. Riherd,
W. A. Bradley,	R. Dillard Hunter,	Farris Roberts, Jr.
O. Houston Brooks,	W. G. Keen,	S. C. Roberts,
Frank J. Brown,	W. T. Kenton,	Samuel L. Robertson,
J. T. Buford,	O. M. Kelsey,	S. M. Russell,
S. M. Carson,	Wm. F. Klair,	H. A. Schoberth,
L. H. Carter,	H. L. Lewis,	S. A. Shanklin,
J. P. Chinn,	J. H. McWaters,	W. H. Shanks,
Henry Chunn,	Don G. McVean,	W. L. Shearer,
Sidney G. Clay,	H. J. Meyers,	Herman Southall,
J. R. Claypool,	Ben E. Niles,	John S. Steers,
Z. A. Clore,	W. H. Newell,	J. J. Taylor,
Z. T. Coleman,	L. C. Owings,	J. W. Turner,
M. G. Colson,	S. P. Parks,	Geo. C. Waggoner,
Peter J. Cosgrove,	John C. Pirtle,	Edward A. Weber,
S. F. Crabtree,	W. F. Pitman,	W. R. Whitlow,
W. L. Craig,	Marion F. Pogue,	J. H. Williams,
C. F. Crecelius,	J. F. Porter,	L. F. Withers,
W. B. Creekmore,	W. A. Price,	J. R. Zimmerman,
H. C. Duffy,	L. R. Ray,	Speaker Wilson,
G. G. Frazier,	R, A, Read,	—73

Those who voted in the negative were—

W. D. Allbright,	W. F. Welch,	—2

Resolved, that the title be as follows, viz:

An act to secure the registration of plumbers and the supervision

and inspection of plumbing and drainage in cities of the First and Second Class.

Mr. Holland moved that the House do now adjourn.

Said motion was agreed to.

WEDNESDAY, FEBRUARY 9, 1910.

The House was opened with prayer by the Rev. J. R. Zeigler of the First Presbyterian Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

The following petitions were presented, their reading dispensed with and referred as follows, viz:

By Mr. Steers:

Petition of sundry citizens of Grant county asking that the law relative to the licensing and taxing of persons who sell family and veterinary medicines from a wagon remain as it is.

By Mr. Perry:

Petition of sundry citizens of Logan county asking the passage of H. B. No. 45.

By same:

Petition of sundry citizens of Logan county protesting against the passage of S. B. 23.

By same:

Petition of sundry citizens of Logan county protesting against the repeal of the dog tax law.

By Mr. Wilson:

Petition of the Louisville Ministerial Association protesting against the passage of S. B. No. 9, designating October 12, of each year as a legal holiday.

1. To the Committee on Public Health.

2 and 3. To Committee on Insurance.

4. To the Committee on Agriculture.

5. To Committee on Kentucky Statutes.

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a joint resolution of the following title, viz:

H. Res. 15. Resolution inviting the Governor's Conference to hold their next meeting in the new Capitol at Frankfort, Ky.

Whereupon all other business was suspended, said resolution was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled resolution which was originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled resolution which originated in the House and which has been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Waggoner moved that a bill entitled,

H. B. 78. An act to amend Chapter 21 of the Acts of 1906 entitled "An act to amend Section 2560 of Kentucky Statutes, it being a portion of Article 1 of Kentucky Statutes entitled Liquors-intoxicating."

Be taken up from the Orders of the Day and that the same be made the special order of the day for to-morrow, the 10th instant, at eleven o'clock a. m.

Said motion was disagreed to, two-thirds of the members voting failing to vote in favor of same.

The yeas and nays being required thereon by Messrs. Waggoner and Niles were as follows, viz:

R. H. Akin,	S. B. Johnson,	J. W. Perry,
W. D. Allbright,	W. T. Kenton,	W. V. Perry,
P. W. Berkshire,	O. M. Kelsey,	John C. Pirtle,
T. M. Bertram,	J. H. Lackey,	W. F. Pitman,
J. M. Blair,	W. B. Creekmore,	G. H. Plitt,
J. O. Bogie,	Wm. S. Dean,	Marion F. Pogue,
O. Houston Brooks,	G. G. Frazier,	A. H. Points,
J. T. Buford,	Chas. W. Fulton,	J. F. Porter,
Henry Chunn,	L. B. Herrington,	L. R. Ray,
J. R. Claypool,	H. L. Lewis,	R, A, Read,
Z. A. Clore,	J. H. McWaters,	Geo. W. Reid,
Z. T. Coleman,	Ben E. Niles,	G. T. Reynolds,
Albert J. Counts,	S. P. Parks,	H. T. Rich,
S. F. Crabtree,	C. C. Patrick,	J. F. Richardson,
C. F. Crecelius,	C. C. Patrick,	Farris Roberts, Jr.

S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
W. H. Shanks,
W. L. Shearer,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
J. R. Zimmerman,
—57

Those who voted in the negative were—

J. W. Berkshire,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Sidney G. Clay,
M. G. Colson,
Peter J. Cosgrove,
W. L. Craig,
H. C. Duffy,
L. W. Francis,
H. T. Gartin,
T. D. Graham,
Harris, Robt. L.
R. C. Hill,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
Wm. F. Klair,
L. C. Littrell,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
W. A. Price,
Samuel L. Robertson,
S. A. Shanklin,
John S. Steers,
J. J. Taylor,
Edward A. Weber,
L. F. Withers,

A message was received from the Senate announcing that they had concurred in a resolution adopted by the House entitled,

H. Res. 4. Resolution ratifying the sixteenth amendment to the Constitution of the United States.

That they had adopted a resolution and passed bills of the following titles, viz:

1. S. Res. 9. Resolution providing for the adoption of the legislative digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and State officials.

2. S. B. 67. An act to provide for county inspectors of apiaries and defining their duties and providing for their compensation for the purpose of curing and avoiding foul brood and other diseases among bees and their hives.

3. S. B. 88. An act to amend Section 3948, Chapter 104 of the Kentucky Statutes, Carroll's edition of 1909, entitled Public Buildings, State and County.

Ordered that said resolution and bills be printed and referred,

1. To Committee on Judiciary.

2. To Committee on Agriculture.

3. To Committee on Municipalities.

The committees to which the same had been referred reported a resolution and bills of the following titles with the expression of opinion that said resolution ought not to be adopted and that said bills ought not to pass, viz:

By Mr. Steers of the Committee on Appropriations:

H. B. 387. An act appropriating $20,000 for the erection of a monument for the Union and Confederate Soldiers of Kentucky at Shiloh Park.

By same:

H. Res. 13. Resolution providing for the payment of expenses incurred by Edward Moran, Police Officer of Louisville, Ky.

By Mr. Littrell of the Committee on Education No. 2.

H. B. 200. An act to provide for a more efficient system of common schools throughout the State; to create county Boards of Education and to provide for the government and regulation of the common schools.

By Mr. Schoberth of the Committee on Kentucky Statutes.

H. B. 245. An act to amend Section 3643 of Carroll's 1903 Kentucky Statutes.

By same:

H. B. 238. An act to make the 12th day of February a legal holiday.

By same:

H. B. 212. An act to amend Chapter 1, Kentucky Statutes entitled "Actions."

By same:

H. B. 365. An act to amend Section 14a, Kentucky Statutes entitled An act "Advertisements."

By same:

S. B. 7. An act to amend Section 1157a, of the Kentucky Statutes, edited by John D. Carroll, edition of 1903, relating to holding persons for ransom.

The question being severally taken on ordering said resolution and bills a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

And so said bills were severally rejected.

The Speaker laid before the House a communication from the General Council of the city of Louisville urging the passage of laws advocating pure food and also urging the passage of a bill to abolish the partisan school board of said city and to establish a non-partisan commission in lieu of same.

Which was ordered to be filed and referred to the Committee on Municipalities.

The Committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Niles of the Committee on Circuit Courts.

H. B. 138. An act to amend an act amending Section 965, Kentucky Statutes, relating to the time of holding Circuit Courts in the 8th Judicial District.

By same:

H. B. 294. An act to change the time of holding Circuit Court in the thirty-third Judicial District of Kentucky.

By same:

H. B. 94. An act to change the terms of Court in the counties of Floyd, Pike, Johnson and Martin.

By same:

H. B. 18. An act to regulate the time of holding the terms of the Circuit Court in the twentieth Judicial District.

By same:

H. B. 90. An act providing for an additional compensation for jurors in the Circuit Courts of this Commonwealth.

With an amendment thereto by way of substitute therefor.

By Mr. Carter of the Committee on Education No. 1.

H. B. 2. An act to provide for a more efficient system of schools throughout the State; to define the various parts of the education system; to make certain general regulations for the management of the common school system; to provide for a State

School Fund and the apportionment and distribution thereof; to create a State Board of Education and prescribe its powers and duties; to prescribe the qualification, powers and duties of the State Superintendent of Public Instruction and repealing all laws and parts of laws in conflict therewith.

By Mr. Steers of the Committee on Appropriations.

H. B. 219. An act providing for the payment of expenses of the Tax Revision Commission and the Advisory Commission and appropriating money therefor.

By Mr. Littrell of the Committee on Education No. 2.

H. B. 302. An act repealing the Charter of Dycusburg Public School.

By same:

H. B. 221. An act to establish and maintain public libraries.

By Mr. Holland of the Committee on Insurance.

H. B. 152. An act to amend Section 702 of the Kentucky Statutes touching the organization and conduct of assessment or co-operative fire insurance companies.

By Mr. Schoberth of the Committee on Kentucky Statutes.

H. B. 347. An act to regulate the establishment of industrial schools.

By same:

H. B. 232. An act to prevent circus or wild west shows from showing during live stock or agricultural fairs held in a county seat in this State.

By same:

H. B. 258. An act to repeal an act entitled, "An act to regulate the practice of barbering, the registration and licensing of persons to carry on such practice and to insure the better education of such practictioners and insure better sanitary conditions in barber shops and prevent the spreading of disease in the State of Kentucky.

By same:

H. B. 216. An act to amend an act entitled, "An act to revise and make uniform the laws of this Commonwealth concerning the branding and drifting of trees, logs or other form of timber.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

The House took up for consideration from the calendar, bills and joint resolutions of the following titles, viz:

H. B. 79. An act to provide for the destruction of the carcus of swine dying from cholera or other disease.

H. B. 265. An act to amend Sections 2 and 12 of an act entitled, "An act to prescribe the powers and duties of the Commissioner of Agriculture, Labor and Statistics, approved April 2, 1892, same being Chapter 16 of the Acts of 1891, 1892 and 1893, said sections being respectively Section 32 and Section 42, Chapter 4 of the Kentucky Statutes compiled and edited by John D. Carroll in 1909.

H. B. 3. An act to provide for the reporting and publication of the opinions of the Court of Appeals of Kentucky.

H. B. 250. An act granting pensions to disabled, indigent Confederate soldiers.

H. B. 209. An act to amend Section 1944a, concerning rabbits and squirrels.

H. B. 151. An act to further regulate assessment fire insurance companies.

H. B. 47. An act to amend "An act relating to interurban electric railroads and defining their powers and duties," approved March 11, 1902.

H. B. 130. An act to amend Sub-section 3 of Section 2739b, of the Kentucky Statutes relating to mines and mining.

H. B. 274. An act to amend an act for the government of cities of the First Class, approved July 1, 1893.

H. B. 287. An act relating to public improvements in cities of the Second Class.

S. B. 5. An act to amend Section 3490, Sub-section 22 of the Kentucky Statutes relating to charters of cities of the Fourth Class.

S. B. 8. An act to amend Section 2 of Article 1 of an act entitled, "An act relating to revenue and taxation," approved March 15, 1906.

S. B. 31. An act giving power to certain counties to supplement the salaries of certain public officers and to ratify their action in respect thereto.

S. Res. 8. Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

H. B. 352. An act to amend Section 2632 of Carroll's Statutes relating to pharmacy.

S. B. 25. An act to amend Section 2054, Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

H. B. 77. An act to divorce the liquor trade from the grocery business.

H. B. 269. An act in relation to pandering, to define and prohibit the same, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

H. B. 93. An act to protect religious worship in assemblages known as associations, camp-meetings, etc. With amendment.

H. B. 199. An act to amend Sections 524 and 526, Chapter 30, Kentucky Statutes entitled, "Convict made goods—coal, coke.

H. B. 194. An act for the benefit of the State University, Eastern Normal, Western Normal School.

H. B. 162. An act relating to the duties of county surveyors and amending Section 2 of Chapter 108 of the Act of March 24, 1904, defining duties of county surveyors.

H. B. 331. An act to amend Section 1730, Kentucky Statutes so as to increase the fees of jailers.

H. B. 332. An act to amend Section 356, Kentucky Statutes so as to increase fees of jailers.

H. B. 333. An act to amend an act allowing Fiscal Courts to pay jailers for taking charge and care of the public property in the county.

H. B. 286. An act to induce better behavior during the period of confinement of prisoners in jail of this Commonwealth.

H. B. 56. An act to authorize Fiscal Courts to provide for the

completion of any incomplete set of the official edition of the Kentucky Reports.

H. B. 42. An act to amend Section 4309 of Chapter 110 of the Kentucky Statutes.

Ordered that said bills and joint resolutions be severally read the second time.

The constitutional provision as to the said reading of said bills and resolutions at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills and joint resolutions be placed in the orders of the day.

The hour of 12 o'clock meridian having arrived the House took up for consideration from the orders of the day a bill entitled,

H. B. 1. An act to amend Section 2445 and 2447, Kentucky Statutes and to provide Clerk hire for the Librarian of the Commonwealth.

Said bill is as follows, viz:

AN ACT to amend Sections 2445 and 2447, Kentucky Statutes, and to provide clerkhire for the Librarian of the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 2445 and 2447 be stricken out and the following enacted in lieu thereof:

§ 2445. The present Librarian shall hold office until the first Monday in June, 1912. A Librarian shall be elected by the General Assembly of 1912 and every four years thereafter. The Librarian shall receive an annual salary of eighteen hundred dollars, payable

in the same manner as the salary of the Governor. The Librarian shall hold office until his successor is elected and qualified.

§ 2447. The Librarian may, with the consent and approval of the Court of Appeals, appoint an assistant librarian, to assist in taking care of the library and other property under charge of the Librarian, and the discharge of other duties imposed by law upon the Librarian, as such for all of whose acts as such assistant the Librarian shall be responsible upon his bond; and upon the certificate of the Librarian that such assistant has been appointed, and has discharged the duties required by the Librarian during the month, the Auditor of Public Accounts shall draw his warrant upon the Treasurer on the last day of each month in favor of such assistant for the sum of one hundred and twenty-five dollars.

§ 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of one hundred and twenty-five dollars per month to be disbursed by the Librarian for clercial services and for care of the general library, and other duties in assisting in taking care of the various departments of the library, and other duties imposed by law upon the Librarian. The Auditor of Public Accounts shall draw his warrant upon the Treasurer at the end of each month for one hundred and twenty-five dollars in favor of such clerk, on certificate of the Librarian that such service has been discharged.

§ 3. By reason of the extra duties imposed on the Librarian, and the division and extension of the library, an emergency is declared and this act shall be in force on its adoption and approval.

The amendment heretofore proposed by said Committee on Public Library is as follows, viz:

Amend Section 1, line 6, by striking out the words "eighteen hundred dollars" and inserting in lieu thereof "fifteen hundred dollars."

Amend Section 1, line 18, by striking out the words "one hundred and twenty-five dollars" and inserting in lieu thereof the words "one hundred dollars."

Amend Section 2, line 2, by striking out the words "one hundred

and twenty-five dollars" and inserting in lieu thereof the words "seventy-five dollars."

And add as Section 3 the following:

Section 3. That no other assistants for said Library be employed at the expense of the State to be paid out of the State Treasury.

Change the number of Section 3 to Section 4.

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	W. B. Creekmore,	J. H. Lackey,
J. M. Blair,	L. W. Francis,	L. C. Littrell,
Frank J. Brown,	G. G. Frazier,	Hugh Mahin,
J. T. Buford,	H. T. Gartin,	J. H. McWaters,
S. M. Carson,	T. D. Graham,	Don G. McVean,
L. H. Carter,	L. B. Herrington,	Frank S. Moore,
J. P. Chinn,	Samuel D. Hines,	R. H. Moss,
Sidney G. Clay,	John W. Holland,	H. J. Meyers,
J. R. Claypool,	Hite Huffaker,	Ben E. Niles,
Z. A. Clore,	R. Dillard Hunter,	W. H. Newell,
Z. T. Coleman,	S. B. Johnson,	L. C. Owings,
M. G. Colson,	W. G. Keen,	W. V. Perry,
Peter J. Cosgrove,	W. T. Kenton,	W. A. Price,
W. L. Craig,	O. M. Kelsey,	Geo. W. Reid,
C. F. Crecelius,	Wm. F. Klair,	G. T. Reynolds,

J. F. Richardson,	Herman Southall,	Edward A. Weber,
Farris Roberts, Jr.	John S. Steers,	W. R. Whitlow,
S. M. Russell,	J. J. Taylor,	J. H. Williams,
H. A. Schoberth,	E. E. Trivette,	L. F. Withers,
S. A. Shanklin,	J. W. Turner,	—61
W. L. Shearer,	Geo. C. Waggoner,	

Those who voted in the affirmative were—

R. H. Akin,	H. L. Lewis,	J. F. Porter,
P. W. Berkshire,	S. P. Parks,	L. R. Ray,
T. M. Bertram,	C. C. Patrick,	R, A, Read,
O. Houston Brooks,	J. W. Perry,	H. T. Rich,
Henry Chunn,	John C. Pirtle,	J. T. Riherd,
S. F. Crabtree,	W. F. Pitman,	S. C. Roberts,
Wm. S. Dean,	G. H. Plitt,	J. R. Zimmerman,
H. C. Duffy,	Marion F. Pogue,	—25
R. C. Hill,	A. H. Points,	

Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 187. An act to amend and re-enact Section 32, Article 2, Chapter 22, of an act entitled, "An act relating to revenue and taxation," which became a law March 15, 1906, and relating to the compensation allowed assessors and to re-enact said Section as amended.

Said bill is as follows, viz:

AN ACT to amend and re-enact Section thirty-two, Article two,

Chapter twenty-two, of an an act entitled "An Act relating to revenue and taxation," which became a law March 15, 1906, and relating to the compensation allowed assessors and to re-enact said section as amended.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section thirty-two, Article two, Chapter twenty-two of an act entitled "An act relating to Revenue and Taxation," which became a law March 15, 1906, and relating to the compensation allowed assessors, be amended by adding after the last word "provided" the following:

In counties containing a city of the First Class on the 1st of March, 1910, and the 1st of each calendar month thereafter, the Auditor of Public Accounts shall draw his warrant upon the Treasurer for Fifteen Hundred Dollars, which shall be paid to the County Assessor, said Fifteen Hundred Dollars being an advancement to the Assessor by the Commonwealth of Kentucky to defray necessary office expenses and partial payment upon the salaries of himself and deputies. Said sums shall be deducted from the total paid the Assessor by law when the yearly settlements are made. Should the assessor die, resign, or be removed from office, or should the office of assessor in counties containing a city of the First Class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

So that said Section as amended shall read as follows:

Section 32. A reduction of fifty cents shall be made from the assessor's compensation for each list he shall fail to report for taxation, or report without authority of law, and one dollar each for each duplicate assessment. The Auditor of Public Accounts shall draw his warrant on the State Treasurer for eighty per cent of such allowance, and shall draw his warrant on the Treasurer for the remainder due the assessor, as herein provided, after the October session on the Fiscal Court, on or before which time the sheriff shall report, on oath, to said court a list of all persons, with their taxable property,

so far as is known to him, who were omitted by the assessor; also the names of any person duplicated by the assessor. The report of the sheriff shall be certified to by the county clerk to the Auditor, that the deductions may be made from the assessor's claim as herein provided. In counties containing a city of the First Class on the 1st of March, 1910, and the 1st of each calendar month thereafter, the Auditor of Public Accounts shall draw his warrant upon the Treasurer for Fifteen Hundred Dollars, which shall be paid to the County Assessor, said Fifteen Hundred Dollars being an advancement to the assessor by the Commonwealth of Kentucky to defray necessary office expenses and partial payment upon the salaries of himself and deputies. Said sum shall be deducted from the total paid the assessor by law when the yearly settlements are made. Should the assessor die, resign, or be removed from office, or should the office of assessor in counties containing a city of the First Class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

2. Because of the necessity of keeping deputies constantly in the office of the assessor in counties containing a city of the First Class, and because no provision is now made by law for the payment of salaries to deputies, or for the defraying of necessary office expenses, an emergency is hereby declared to exist, and this act shall become effective from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	J. W. Berkshire,	O. Houston Brooks,
W. D. Allbright,	P. W. Berkshire,	Frank J. Brown,

J. T. Buford,	R. Dillard Hunter,	W. A. Price,
L. H. Carter,	W. T. Kenton,	Geo. W. Reid,
J. P. Chinn,	O. M. Kelsey,	G. T. Reynolds,
Henry Chunn,	Wm. F. Klair,	J. F. Richardson,
Sidney G. Clay,	J. H. Lackey,	J. T. Riherd,
J. R. Claypool,	H. L. Lewis,	Farris Roberts, Jr.
Z. T. Coleman,	L. C. Littrell,	S. C. Roberts,
M. G. Colson,	Hugh Mahin,	Samuel L. Robertson,
Albert J. Counts,	Hugh Mahin,	S. M. Russell,
Peter J. Cosgrove,	J. H. McWaters,	H. A. Schoberth,
S. F. Crabtree,	Don G. McVean,	W. H. Shanks,
W. L. Craig,	Frank S. Moore,	W. L. Shearer,
C. F. Crecelius,	R. H. Moss,	Herman Southall,
W. B. Creekmore,	H. J. Meyers,	John S. Steers,
Wm. S. Dean,	Ben E. Niles,	J. J. Taylor,
G. G. Frazier,	L. C. Owings,	E. E. Trivette,
Chas. W. Fulton,	S. P. Parks,	Edward A. Weber,
H. T. Gartin,	J. W. Perry,	W. F. Welch,
T. D. Graham,	W. V. Perry,	W. R. Whitlow,
L. B. Herrington,	John C. Pirtle,	J. H. Williams,
R. C. Hill,	Marion F. Pogue,	L. F. Withers,
John W. Holland,	A. H. Points,	J. R. Zimmerman,
Hite Huffaker,	J. F. Porter,	—73

Those who voted in the negative were—

S. M. Carson,	L. W. Francis,	L. R. Ray,	
H. C. Duffy,	C. C. Patrick,	H. T. Rich,	—6

Resolved, that the title thereof be as aforesaid.

Mr. Robertson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 51. An act to authorize and regulate the recordation of agreements for pooling farm products.

Said bill is as follows, viz:

AN ACT to authorize and regulate the recordation of agreements for pooling farm products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be lawful for any person or corporation to whom or to which any article of farm products has been pooled or pledged for any purpose to record a list of the persons pooling or pledging same together with a general description of the land upon which same was grown or proposed to be grown in the office of the Clerk of the County Court of the County in which said land is situated.

§ 2. Such recordation shall have the same effect as to creditors or purchasers as the recordation of chattel mortgages.

§ 3. Any person buying pooled or pledged property, the lists of which have been recorded as herein provided shall upon conviction be fined not less than ten nor more than one thousand dollars or imprisoned not less than fifteen nor more than ninety days or both so fined and imprisoned.

§ 4. For recording the agreements herein provided for the Clerk shall be allowed a fee of two cents for each twenty words.

§ 5. Whereas it is greatly to the interest of the farmers of the State that a public record should be kept which shall be notice that their farm products have been pooled or pledged, an emergency is declared, and this act shall take effect from and after its passage.

The amendment heretofore proposed by said Committee on Agriculture is as follows, viz:

Amend Section 3, line 1, by inserting the words "or soliciting" after the word "buying."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
T. M. Bertram,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
L. W. Francis,
G. G. Frazier,
H. T. Gartin,
T. D. Graham,
L. B. Herrington,
R. C. Hill,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
S. B. Johnson,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
W. A. Price,
L. R. Ray,
R, A, Read,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Herman Southall,
John S. Steers,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,

J. H. Williams, J. R. Zimmerman, —73
L. F. Withers,

Those who voted in the negative were—

L. H. Carter, H. C. Duffy, Geo. W. Reid, —3

Resolved that the title thereof be as aforesaid.

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the orders of the day a bill entitled,

H. B. 16. An act to provide for the protection of game and fish.

Said bill is as follows, viz:

AN ACT for the protection of game and fish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. GAME AND FISH COMMISSION—APPOINTMENTS—TERMS.—A State Game and Fish Commission is hereby created, consisting of four members, two members to be elected by the Senate and two by the House of Represenatives for a term of four years each. Members shall serve without compensation, except for necessary expenses to be paid upon an itemized statement thereof duly audited by said commission.

§ 2. OFFICE.—Said commission shall have an office in the Capitol and be supplied with suitable stationery, a seal and blanks and postage for the transaction of its business.

§ 3. GENERAL POWERS AND DUTIES.—Said commission shall en-

force the laws of this State, involving the protection and propogation of all game animals, fish and harmless birds and animals.

Said commission shall have general charge of:

1. The propagation and preservation of such varieties of game and fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The receiving from the United States Commission of fisheries, or other person, and the gathering, purchase and distribution to the waters of this State, of all fish spawn or fry.

4. The taking of fish from the public waters of the State for the propagation and stocking of other waters therein.

5. The seizure and disposition of all game birds, game animals and fish, either taken, killed, transported or possessed contrary to law, of all dogs, guns, seines, nets, boats, lights, or other intrumentalities unlawfully used or held with intent to use, in pursuing, taking, attempting to take, concealing or disposing of the same.

§ 4. BIENNIAL REPORT OF COMMISSION TO GOVERNOR.—In the month of October, in the year 1912, and every two years thereafter, the State Game and Fish Commission shall make a report to the Governor showing the official business transacted by him. Such report shall show the number of hunters' licenses issued, together with all fees collected. It shall show what moneys have been received by the game and fish department from fees and other sources. It shall show the number of wardens employed under special instructions, and shall give all necessary information concerning the affairs of the department of game and fish. Such report to be published in pamphlet form.

§ 5. EXECUTIVE AGENT.—The commission shall appoint one of its members its executive agent, who shall devote all of his time to the discharge of his duties and shall receive compensation therefor, to be

fixed by said commission, not exceeding Twenty-five Hundred ($2,500.00) Dollars per year. He shall act as such executive agent during the pleasure of the commission and be subject to its direction. When the commission is not in session, he is hereby authorized to exercise in its name all the rights, powers and authority vested in said commission. Before entering upon the discharge of his duties, he shall give a bond to the State of Kentucky with sureties or security, to be appointed by the commission, in the penal sum of Five Thousand ($5,000.00) Dollars conditioned for the faithful accounting of all State property coming into his hands.

§ 6. EMPLOYES.—The commission may appoint and remove at pleasure a sufficient number of game wardens, other persons and office assistants, as may be necessary to carry out the purpose of this act, and fix their periods of service and compensation.

§ 7. OTHER OFFICIALS—ATTORNEY.—The county attorneys, sheriffs, constable and other peace officers, are hereby required and it is made their duty to enforce the provisions of this act and the commission may employ an attorney or attorneys to perform such legal services as said commission may require. He shall appear for said commission in all civil actions in which it or its wardens may be interested officially, and may assist the county attorney in the prosecution of criminal actions arising under this act, and when for any reason the county attorney does not prosecute such criminal actions, he may conduct such prosecutions on behalf of the State with the same authority as the county attorney. The compensation to be paid said attorney shall be fixed by the commission and paid out of the funds provided for the enforcement of this act.

§ 8. EXECUTION OF WRITS.—The executive agent of said commission, all members and wardens appointed by said commission, shall have full power and authority to serve and execute all warrants and processes of law issued by the court in enforcing the provision of this act, or any other law of this State relating to the preservation and propagation of game and fish, in the same manner as any constable or sheriff may serve and execute the same, and for the purpose of enforcing the provisions of this act, they may call to their aid any sheriff, deputy sheriff, constable, police officer or any other person,

and it shall be the duty of all sheriffs, deputy sheriffs, constables, police officers and other persons, when called upon, to enforce and aid in enforcing the provisions of this act. The executive agent and all deputies shall have the power to arrest, without a warrant, any person or persons found in the act of violating any law enacted for the purpose of protecting and propagating game or fish.

§ 9. BONDS—BOND OF COUNTY WARDENS—CONDITIONS OF.—Before entering upon the discharge of their official duties, each county game and fish warden shall give bond in the sum of Five Hundred ($500.00) Dollars, payable to the State of Kentucky, with two or more sureties to be approved by the county judge of said county, conditioned that he will truly account for and legally apply all money which may come into his hands in his official capacity, and that he will faithfully perform all the duties enjoined upon him by law.

§ 10. TERMS DEFINED—AGENCY NO EXCUSE.—The words "sell" and "sale" as used in this act shall be construed as meaning any sale of (or offer to sell) or having in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnerships, associations and corporations, and no violation of any provisions of this act shall be excused, for the reason that the prohibited act was done as the agent or employe of another, nor that it was committed by or through an agent or employe of the person charged. The word "possession" shall be deemed to include both actual and constructive possession as well as the control of the article referred to.

§ 11. CONTRABAND GAME, SEIZURE AND SEARCH.—Any bird, animal, fish or any part thereof, caught, killed, shipped or had in possession or under control, contrary to any of the provisions of this act, is hereby declared to be contraband.

The Game and Fish Commission, all game wardens, sheriffs and their deputies, constables and police officers, shall seize and take possession of any and all birds, animals or fish or any part thereof which have been caught, taken, killed or had in possession or under control or shipped contrary to any of the provisions of this act. Any court having jurisdiction may, upon complaint showing probable cause for

believing that any bird, animal, fish or any part thereof caught, taken, killed or had in possession or under control by any person or shipped or transported contrary to the provisions of this act, or concealed or illegally kept in any building, car or receptacle, issue a search warrant and cause a search to be made in any such place for any such birds, animals, fish or any part thereof, and may cause any building, inclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, package or any other receptacle whatever, to be broken, opened and the contents thereof examined. All such officers taking or seizing any such birds, animals or fish, or any part thereof, shall at once report all the facts attending the same to the commission.

§ 12. BLANKS AND OTHER PRINTED MATTER PROVIDED.—The blanks and other printed matter necessary to carry out the provisions of the game laws, upon the approval of the Governor, shall be printed under the direction of the commission, and shall be paid for in like manner and upon the same terms as other public printing. This expense shall be chargeable to the first money converted into the game and fish protection fund.

§ 13. LICENSE—CONTENTS OF.—All licenses shall be dated when issued, and shall authorize the person named therein to hunt during the calendar year, and then only within the regulations and restrictions provided by law. All hunting licenses shall be numbered consecutively at the time they are printed, and resident and non-resident blanks shall be furnished by the State Game and Fish Commission to the county clerks of the various counties.

§ 14. COUNTY LICENSE—HOW OBTAINED.—Any person who has been a bona fide resident of this State for one year then past may procure a county hunter's license for himself or herself by filing his or her affidavit with the county clerk in the county in which he or she resides, stating his or her age, place of residence, post-office address, color, color of his or her hair and eyes, and the fact whether he or she can write his or her name, and by paying the said county clerk the sum of one dollar.

§ 15. STATE LICENSE—HOW OBTAINED.—Any person who has been a bona fide resident of the State one year then past may procure

a State hunter's license for himself or herself by filing with the county clerk of the county to whom he applies for license, the affidavit provided by the preceding section, and by paying the said county clerk the sum of two dollars, which shall entitle him or her to a State hunter's license and shall authorize him or her to hunt in any county in this State.

§ 16. NON-RESIDENT OR ALIEN HUNTER'S LICENSE—HOW OBTAINED.—Any non-resident or alien of this State may procure a license for hunting by filing his or her affidavit with the county clerk of any county in this State, stating his or her age, place of residence, post-office address, color, color of his or her eyes and hair, and the fact whether he or she can or can not write his or her name, and by paying the said county clerk the sum of ten dollars.

§ 17. COUNTY CLERKS ISSUE HUNTING LICENSES.—The county clerk shall issue all hunting licenses, resident and non-resident, under the seal of his office to all persons complying with the provisions of this act, and shall sign the same and shall require the person to whom the license is issued to sign his or her name on the margin thereof. He shall keep a correct and complete record of all licenses issued in a book to be furnished by the State Game and Fish Commission, which record shall remain in his office and be open to the inspection of the public at all reasonable times.

§ 18. MONEY RECEIVED FROM LICENSES—HOW DISPOSED OF.—County clerks shall retain of the money received for each license issued the sum of fifteen cents, which shall cover the swearing of the applicant to the affidavit referred to in this act and all other service under this act, and shall pay the balance to the State Treasurer on the first day of each month, which amount shall be converted into the game and fish protection fund, and said county clerks shall report to the said State Game and Fish Commission on the first day of each month the number of licenses issued and the amount of money remitted to the State Treasurer.

§ 19. OWNERS, LANDLORDS AND TENANTS MAY HUNT ON THEIR OWN LANDS WITHOUT LICENSE.—All owners and landlords and members of their families may hunt upon their own lands without license;

and tenants and members of their families may hunt upon their leaseholds without license.

§ 20. LICENSES PRINTED ON DISTINCTIVE COLORS.—The license for residents and non-residents shall be printed on distinctive colors.

§ 21. LICENSES DELIVERED TO AND RETURNED BY COUNTY CLERKS.—The State Game and Fish Commission shall deliver to each county clerk in the State ten days before the first of May in each year, as many licenses as may be required, and shall charge said clerk with the number issued to him. On the 15th day of December in each year, and within ten days thereafter, each county clerk shall return to the State Game and Fish Commission all unused licenses and stubs of the licenses used.

§ 22. GAME AND FISH PROTECTION FUND CREATED AND DISPOSED OF.—All moneys sent to the State Treasurer in payment of hunting licenses, fines, penalties, and forfeitures arising from the game laws of this State, shall be set aside by the State Treasurer and shall constitute a fund known as the "game and fish protection fund," for the payment of the salary of the State Game and Fish Commissioner and his necessary incidental expenses, also the payment of the game and fish warden when acting under special instructions. The expenses incurred for any purposes or in consequence of this act, shall be limited to the amount of money in the game and fish protection fund, and in no event shall the State pay any such salaries or expenses or be liable in any manner therefor except to the extent of such game and fish protection fund, and the State Game and Fish Commission shall not issue any voucher nor shall the State approve any voucher if issued by the said State Game and Fish Commission for any services or expenses of any kind, unless the money to pay such voucher shall at the time be on hand in the State Treasury to the credit of the game and fish protection fund.

§ 23. FALSE STATEMENT AS TO PROCURING LICENSE.—Any person who shall make to any officer authorized to issue hunting licenses a false statement, or charge or alter his license in any manner, shall be punished by a fine of not less than ten nor more than twenty-five dollars.

§ 24. Costs of Prosecution, How Taxed.—When an arrest for a violation of the game law is made by the State Game and Fish Commission or by any warden, and the defendant is convicted, there shall be taxed as costs in favor of such warden making the arrest, the same fee as a constable is entitled to in misdemeanor cases, and if collected from the defendant, shall be paid over to such warden and shall be his personal perquisite. No fee shall be allowed in cases of acquittal.

§ 25. Hunting License Prohibited.—Any person who hunts in the county in which he or she actually resides without first obtaining a license permitting him or her to do so, or who hunts outside of the county in which he or she actually resides without obtaining a State license permitting him or her to do so, or any non-resident or alien who hunts without a non-resident's license; or who lends or transfers his or her hunting license to another, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than ten or more than twenty-five dollars, but any person may hunt upon his own lands in season without obtaining a hunting license.

§ 26. Fines and Penalties—Distribution of.—Each county game and fish warden shall receive one-half of all fines, forfeitures, and penalties collected in his county under this act. Such money shall be paid to the court collecting the same and the remainder shall be forwarded to the State Treasurer and converted into the game and fish protection fund.

§ 27. Fines, Penalties, and Forfeitures—Disposition of.—All moneys collected from fines, penalties, and forfeitures under this act shall belong to the State game and fish protection fund, with the exception of that part which under this act belongs to the wardens, and shall be paid over by the officer authorized to collect said money to the State Treasurer, on or before the first day of each month, and shall be credited by him to the game and fish protection fund. The State Treasurer shall report on the first day of each month to the State Game and Fish Commission, or its executive agent, the exact amount of money to the credit of the game and fish protection fund.

§ 28. Fines to be Paid in Currency.—All fines imposed under

the provisions of this chapter shall be paid in lawful money, that is to say, the currency of the United States of America.

§ 29. JUDGES' SPECIAL CHARGES AS TO GAME LAWS.—The circuit judges shall give the grand juries, when organized, the provisions of the game and fish laws strictly in charge and shall urge strict inquiry into in fractions thereof.

§ 30. EXTENT AND CONSTRUCTION OF GAME LAWS.—The provision of the game laws shall not apply to any person hunting any of the birds or animals of this State which are not protected by the provisions of such laws.

§ 31. LOCAL OR STATE LAWS REPEALED.—All laws and parts of laws, general, special, or local, in conflict with the provisions of this code as to the game and fish laws, are repealed.

§ 32. To meet the emergency for such a law now existing, this law shall go into force and effect upon its passage and approval by the Governor.

Mr. Price offered the following amendment to said bill, viz:

Amend by striking out all that part of Section 7 beginning with word "and" in line 3 on page 4 and extending to the end of Section 7.

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Carter and Price were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	Z. A. Clore,	Harris, Robt. L.
J. M. Blair,	Z. T. Coleman,	L. B. Herrington,
O. Houston Brooks,	S. F. Crabtree,	R. C. Hill,
L. H. Carter,	C. F. Crecelius,	Samuel D. Hines,
J. P. Chinn,	Wm. S. Dean,	Hite Huffaker,
Sidney G. Clay,	H. C. Duffy,	W. T. Kenton,
J. R. Claypool,	L. W. Francis,	Wm. F. Klair,

H. L. Lewis,	W. F. Pitman,	S. A. Shanklin,
L. C. Littrell,	A. H. Points,	E. E. Trivette,
Don G. McVean,	W. A. Price,	J. W. Turner,
H. J. Meyers,	Farris Roberts, Jr.	Geo. C. Waggoner,
W. H. Newell,	S. C. Roberts,	Edward A. Weber,
L. C. Owings,	Samuel L. Robertson,	W. F. Welch,
S. P. Parks,	S. M. Russell,	W. R. Whitlow,
C. C. Patrick,	H. A. Schoberth,	J. H. Williams, —45

Those who voted in the negative were—

P. W. Berkshire,	J. H. Lackey,	R. A. Read,
Frank J. Brown,	J. H. McWaters,	G. T. Reynolds,
J. T. Buford,	Ben E. Niles,	H. T. Rich,
Henry Chunn,	J. W. Perry,	J. F. Richardson,
M. G. Colson,	G. H. Plitt,	J. T. Riherd,
W. L. Craig,	J. F. Porter,	W. H. Shanks,
W. G. Keen,	L. R. Ray,	—20

Mr. Klair offered the following amendment to said bill:

Amend by striking out Section 32.

Said amendment was agreed to.

Mr. Welch offered the following amendment to said bill:

Amend Section 15 by adding after the word "State" in line 7 the following: "Provided, however, that no license provided for in this act shall authorize the holder thereof to enter upon the land of another person for the purpose of hunting or fishing against the wishes of the owner or occupant of said land."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill

at length being dispensed with and the same being engrossed it was read the third time by its title.

The question being taken on the passage of said bill it was decided in the negative.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	L. B. Herrington,	W. V. Perry,
L. H. Carter,	Samuel D. Hines,	A. H. Points,
J. P. Chinn,	Hite Huffaker,	W. A. Price,
Sidney G. Clay,	W. T. Kenton,	Samuel L. Robertson,
Z. A. Clore,	Wm. F. Klair,	S. A. Shanklin,
Z. T. Coleman,	L. C. Littrell,	J. W. Turner,
Peter J. Cosgrove,	Don G. McVean,	Geo. C. Waggoner,
C. F. Crecelius,	H. J. Meyers,	Edward A. Weber,
H. C. Duffy,	W. H. Newell,	W. R. Whitlow,
L. W. Francis,	L. C. Owings,	J. H. Williams,
Harris, Robt. L.	C. C. Patrick,	—32

Those who voted in the negative were—

R. H. Akin,	Chas. W. Fulton,	W. F. Pitman,
P. W. Berkshire,	T. D. Graham,	G. H. Plitt,
T. M. Bertram,	R. C. Hill,	Marion F. Pogue,
J. M. Blair,	W. G. Keen,	J. F. Porter,
O. Houston Brooks,	O. M. Kelsey,	L. R. Ray,
Frank J. Brown,	J. H. Lackey,	R, A, Read,
Henry Chunn,	H. L. Lewis,	Geo. W. Reid,
J. R. Claypool,	J. H. McWaters,	G. T. Reynolds,
M. G. Colson,	Frank S. Moore,	H. T. Rich,
S. F. Crabtree,	R. H. Moss,	J. F. Richardson,
W. L. Craig,	Ben E. Niles,	J. T. Riherd,
W. B. Creekmore,	S. P. Parks,	Farris Roberts, Jr.
Wm. S. Dean,	J. W. Perry,	S. C. Roberts,
G. G. Frazier,	John C. Pirtle,	S. M. Russell,

H. A. Schoberth,	John S. Steers,	L. F. Withers,
W. H. Shanks,	J. J. Taylor,	J. R. Zimmerman,
W. L. Shearer,	E. E. Trivette,	—51
Herman Southall,	W. F. Welch,	

And so said bill was rejected.

And then the House adjourned.

THURSDAY, FEBRUARY 10, 1910.

The House was opened with prayer by the Rev. J. S. Sims, of the Methodist Episcopal Church, South.

The reading of the journal of yesterday's proceedings was dispensed with.

Upon a call of the counties and Representative Districts bills were introduced as follows, viz:

By Mr. Johnson:

H. B. 431. An act amending Section 4038 of the Kentucky Statutes of the edition compiled by Hon. John D. Carroll and issued in 1903.

To Committee on Kentucky Statutes.

By Mr. Hill:

H. B. 432. An act to amend Section 1051, Kentucky Statutes relating to Quarterly Court jurisdiction in civil cases.

To Committee on County and City Courts.

By same:

H. B. 433. An act to prevent the carrying and use of fire arms within one mile of elections.

To Committee on Criminal Law.

By same:

H. B. 434. An act to amend Section 1896 of the Kentucky Statutes relating to fish and game.

To Committee on Fish and Game.

By Mr. Akin:

H. B. 435. An act prohibiting waiters and servants from accepting "tips" in hotels and restaurants.

To Committee on Criminal Law.

By Mr. Pogue:

H. B. 436. An act for the benefit of the infant children of Hon. McD. Ferguson, deceased.

To Committee on Kentucky Statutes.

By Mr. Barry:

H. B. 437. An act to amend Section 4245, Kentucky Statutes.

To Committee on Circuit Courts.

By Mr. Klair:

H. B. 438. An act to amend and re-enact Section 9 of an act relating to public parks in cities of the Second Class, approved March

5, 1906, entitled, "An act to amend an act entitled 'An act for the government of cities of the Second Class in the Commonwealth of Kentucky,' approved March 19, 1894."

To Committee on Municipalities.

By Mr. Moore.

H. B. 439.

To Committee on Railroads.

By Mr. Kelsey:

H. B. 440. An act to amend Section 2118 of the Kentucky Statutes.

To Committee on Judiciary.

By same:

H. B. 441. An act to prevent the giving, loaning, furnishing to or procuring for a minor deadly weapons or materials for loading or discharging such weapons.

To Committee on Criminal Law.

By Mr. Plitt:

H. B. 442. An act to establish a State museum and Historical Library in the central building of the old State Capitol and to provide for maintainence and government of same.

To Committee on Education No. 1.

By Mr. Niles:

H. B. 443. An act to amend and act entitled, "An act in relation to marriages of negroes and mulattoes."

To Committee on Judiciary.

By same:

H. B. 444. An act to amend Section 4058, Subsection 1, Kentucky Statutes, Carroll's edition 1909.

To Committee on Revenue and Taxation.

By Mr. Waggoner:

H. B. 445. An act to amend Section 61, the Constitution of the Commonwealth of Kentucky.

To Committee on Public Morals.

By same:

H. B. 446. An act to safeguard the morals of students in high school, seminaries, academies, colleges and universities in the State of Kentucky, by forbidding the sale of spirituous, vinous or malt liquors within the precincts of such institutions of learning.

To Committee on Public Morals.

By Mr. Withers:

H. B. 447. An act to prevent the obtaining of goods under false pretenses.

To Committee on Criminal Law.

By Mr. Richardson:

H. B. 448. An act to repeal the Charter of the town of Rosewood in Muhlenburg County.

To Committee on cities of the Fifth and Sixth Class.

By Mr. Littrell:

H. B. 449. An act to amend Common School Law by striking Section 360 and part of Section 423.

To Committee on Education No. 2.

By same:

H. B. 450. An act to amend Section 144 of Common School Law by striking out words "third class."

To Committee on Education No. 2.

By same:

H. B. 451. An act to amend Section 92 of Common School Law in regard to establish districts.

To Committee on Education No. 2.

By Mr. Russell:

H. B. 452. An act for the benefit of the Branch Penitentiary at Eddyville, Kentucky, and appropriating money for the erection of necessary buildings and improvements at said Branch Penitentiary.

To Committee on State Prisons and Houses of Reform.

By Mr. Schoberth:

H. B. 453. An act fixing the weights of packages and regulating the trade in wheat flour and cornmeal.

To Committee on Public Warehouses and Graneries.

By Mr. Caudill:

H. B. 454. An act to amend Section 1900 of the Kentucky Statutes, Carroll's edition and relating to fish.

To Committee on Fish and Game.

By Mr. Dean:

H. B. 455. An act to amend and re-enact Section 4154, Chapter 108, Kentucky Statutes.

To Committee on Judiciary.

By Mr. Williams:

H. B. 456. An act creating a State Board for the examination and licensing of engineers in charge of and operating steam boilers and steam generating apparatus specifying the duties and fixing the salaries to be paid the members of said State Board and fixing penalties for violation thereof.

To Committee on Immigration and Labor.

By Mr. Welch:

H. B. 457. An act to amend Section 1453, Kentucky Statutes, entitled ballots, how names of candidates placed on—device indicating party, powers and duties of county clerks.

To Committee on Suffrage and Elections.

The Speaker laid before the House the statement of receipts and expenditures of special appropriations made in 1908 to Western Kentucky State Normal School.

Which was ordered to be filed.

The following petitions were presented, their reading dispensed with and referred:

By Mr. Fulton:

Petition of sundry citizens of Hillsborough, Fleming County, Kentucky, asking the passage of a law to exempt towns of the Sixth Class from the burden of keeping up turnpikes and bridges within their corporate limits which are owned by the county.

By Mr. Wilson:

Petition of sundry citizens of Hart County asking the passage a law granting to women the right to vote in school elections.

By Mr. Crabtree:

Petition of sundry citizens of Hart County protesting against the of H. B. 45.

By same:

Petition of sundry citizens of Hart county protesting against the passage of S. B. 23.

Which were received, their reading dispensed with and referred.

1. To Committee on cities of the Fifth and Sixth Class.

2. To Committee on Suffrage and Elections.

3 and 4. To Committee on Insurance.

A message was received from the Senate announcing that they had passed a bill entitled:

S. B. 68. An act to provide for the investment of the capital stock and accumulations of insurance companies.

Said bill was ordered to be printed and referred to the Committee on Insurance.

Mr. Waggoner offered the following resolution, viz:

Whereas the Governor, Treasurer and other State officers have reported the State's finances in a distressingly depleted condition, without funds to pay running expenses and facing a $500,000 deficit all of which they are proposing to liquidate by issuing half a million dollars of bonds that our already overburdened tax payers will have to pay. And,

Whereas, it is reported that the Distillers of Kentucky are now and have been unlawfully witholding from the State upwards of $250,000 taxes annually; also from the counties in which the distilleries are located, approximating $250,000 more; and from the schools funds of the various counties and graded school districts, many thousands of dollars more. And,

Whereas, the law requires that all said distillers shall list on September 1, each year all their whiskey for taxation, swear to "the fair cash selling price of same," and then pay all State, County and school taxes as fast as said whiskey is withdrawn from bond, but which, it is reported not a single distiller is obeying the full requirements of this law, 107 distillers even refusing to swear to the value of their whiskey which is the all important requirement of the law, all this in the face of Article 6, Section 19 of the 1906 State Revenue Act making it a $100 to $500 fine for such refusal; and,

Whereas, it is reported that these Kentucky Distillers are paying to the United States Government $50 taxes on each one barrel for eight years taxes and exactly thirty eight cents to Kentucky on that same one barrel for eight years; and,

Whereas, no reason exists for such a state of affairs or for these distillers of all men not paying their taxes on the "fair cash selling value" the same as all other property does and as the law requires in order that all legitimate business in Kentucky may not have to bear all the tax burden alone; therefore,

Be it resolved by the House of Representatives, the Senate concurring;

1. That the Speaker of the House and the President of the Senate will each appoint three members of their respective bodies the same to constitute a joint committee for the purpose of investigating the whole question of taxation of the Kentucky Distillers.

2. That full and complete power is vested in this committee to summon witnesses, require their attendance and administer oaths to them.

3. That full power is vested in this committee to require any and all distillers and warehousemen to appear before said committee and exhibit such books and records as may be required of them.

4. That this committee is authorized to employ such inspectors or accountants as it needs to thoroughly uncover the reported frauds in the said distillery taxation, if any, and the said inspectors and accountants when so employed shall possess all power to inspect the books and records of any and all distillers and warehousemen in Kentucky and especially those who did not make reports on September 1, 1909, as required by law; and the Auditor of Public Accounts is authorized and directed to draw the State warrants for any and all expenses incurred by reason of this investigation when the same are certified and approved by said committee.

5. On account of the gravity of the matter, the depleted condition of the State Treasury and the short time existing before the present Legislature will have to act on taxation laws this committee will act in all haste and report in writing to both Houses.

Ordered that said resolution lie on the Clerk's desk.

The Committees to which the same have been referred reported bills of the following titles, viz:

By Mr. Schoberth of the Committee on Kentucky Statutes:

H. B. 359. An act to amend an act regulating the terms of court of the 12th Judicial District of Kentucky.

By same:

H. B. 210. An act to amend Section 1697, Subdivision 1 of Article 15, Chapter 46 of the Kentucky Statutes, Carroll's Edition of 1903, entitled "Executions."

By same:

S. B. 19. An act to prevent the unlawful use of a motor car.

By Mr. Owings of the Committee on Public Roads and Highways:

H. B. 391. An act to amend and re-enact Section 4338 of the Kentucky Statutes.

By Mr. Coleman of the Committee on Public Monuments and Historical Records.

H. B. 257. An act to appropriate $5,000 to assist in erecting a monument or memorial building in Todd and Christian counties at the birth place of Jefferson Davis.

By Mr. W. V. Perry of the Committee on Revenue and Taxation.

H. B. 48. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906, and abolishing the offices of Revenue Agents for the State at large provided for therein.

By same:

H. B. 64. An act to exempt from taxation all bonds, notes and other evidences of interest bearing debt issued by the State or by any

municipal corporation or by any public school and the means of instruction in connection therewith, in the State of Kentucky.

By same:

H. B. 214. An act to amend Section 4046, Article, Chapter 108, of the Kentucky Statutes, Carroll's edition of 1909, entitled "Assessment of property."

By Mr. Crecelius of the Committee on State Prisons and Houses of Reform.

S. B. 79. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898.

By Mr. Niles of the Committee on Circuit Courts:

H. B. 44. An act to amend Section 965, Kentucky Statutes relating to Circuit Courts in the Sixth Judicial District.

By Mr. Huffaker of the Committee on Codes of Practice:

H. B. 243. An act to amend Section 606 of Carroll's 1906 revised edition of the Kentucky Code of Practice.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 117. An act to amend civil code of practice and define order of court sustaining a motion to quash process of summon to be a final order for the purpose of an appeal therefrom.

By same:

H. B. 38. An act to amend Article 2 of Chapter 6 of Title 6, of the Code of Practice in criminal cases relating to the time of trial.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 138. An act to amend an act amending Section 965, Kentucky Statutes, relating to the time of holding Circuit Courts in the 8th Judicial District.

H. B. 294. An act to change the time of holding Circuit Court in the Thirty-third Judicial District of Kentucky.

H. B. 94. An act to change the terms of court in the counties of Floyd, Pike, Johnson and Martin.

H. B. 18. An act to regulate the time of holding the terms of the Circuit Court in the twentieth Judicial District.

H. B. 90. An act providing for an additional compensation for jurors in the Circuit Courts of this Commonwealth.

With an amendment thereto by way of substitute therefor.

H. B. 2. An act to provide for a more efficient system of schools throughout the State; to define the various parts of the educational system; to make certain general regulations for the management of the common school system; to provide for a State School Fund and the apportionment and distribution thereof; to create a State Board of Education and prescribe its powers and duties; to prescribe the qualifications, powers and duties of the State Superintendent of Public Instruction and repealing all laws and parts of laws in conflict therewith.

H. B. 219. An act providing for the payment of expenses of the Tax Revision Commission and the Advisory Commission and appropriating money therefor.

H. B. 302. An act repealing the Charter of Dycusburg Public School.

H. B. 221. An act to establish and maintain public libraries.

H. B. 152. An act to amend Section 702 of the Kentucky Statutes touching the organization and conduct of assessment or co-operative fire insurance companies.

H. B. 347. An act to regulate the establishment of industrial schools.

H. B. 232. An act to prevent circus or wild west shows from showing during live stock or agricultural fairs held in a county seat in this State.

H. B. 258. An act to repeal an act entitled, "An act to regulate the practice of barbering, the registration and licensing of persons to carry on such practice and to insure the better education of such practictioners and insure better sanitary conditions in barber shops and prevent the spreading of disease in the State of Kentucky.

H. B. 216. An act to amend an act entitled, "An act to revise and make uniform the laws of this Commonwealth concerning the branding and drifting of trees, logs, or other form of timber.

Ordered that said bills be severally read the second time.

The constitutional provision as to the reading of said bills at length being dispensed with said bills were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. W. V. Perry of the Committee on Revenue and Taxation to which the same had been referred reported a bill entitled,

H. B. 222. An act to amend Section 1846 of the Kentucky Statutes revised and edited by John D. Carroll.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading the opinion of the Committee to the contrary notwithstanding it was decided in the negative.

And so said bill was rejected.

Mr. Chinn moved that the substitute proposed by the Committee on Fish and Game for a bill entitled,

H. B. 209. An act to amend Section 1944a, concerning rabbits and squirrels.

Be ordered printed.

Said motion was agreed to.

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled a joint resolution the following titles, viz:

H. Res. 4. Resolution ratifying the 16th Amendment to the Constitution of the United States.

Whereupon all other business was suspended, said resolution was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver same to the Senate.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 24. An act allowing bail pending appeal to the Court of Appeals in all felony cases except cases where the jury has fixed the punishment at death or confinement in the penitentiary for life.

Together with the amendment heretofore proposed thereto by the Committee on Criminal Law.

Said bill is as follows, viz:

AN ACT allowing bail pending appeal to the Court of Appeals in all felony cases, except cases where the jury has fixed the punishment at death or confinement in the penitentiary for life.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases in the Circuit Courts of this Commonwealth where a trial has been had and a conviction secured, bail shall be granted the person or persons convicted, pending an appeal to the Court of Appeals; except in cases where punishment has been fixed by the jury at death or confinement in the penitentiary for life and in all cases the amount of bail shall be in the discretion of the court.

§ 2. All laws and parts of laws conflicting with this law are hereby expressly repealed.

The said amendment as proposed by the Committee is as follows, viz:

"Strike out the word "shall" after the word "bail" in line 2 and insert in lieu thereof the word "may."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in ac-

cordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
H. T. Gartin,
Harris, Robt. L.
L. B. Herrington,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
R. Dillard Hunter,
S. B. Johnson,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. T. Riherd,
Farris Roberts, Jr.
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman.

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Those who voted in the negative were—

Chas. W. Fulton, W. V. Perry —2

Resolved that the title thereof be as aforesaid.

Mr. Zimmerman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 108. An act defining the crime of abortion and prescribing a penalty therefor.

Together with the amendment heretofore proposed thereto by the Committee on Criminal Law.

Said bill is as follows, viz:

AN ACT defining the crime of abortion and prescribing a penalty therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to prescribe or administer to any pregnant woman, or to any woman whom he has reason to believe pregnant, at any time during the period of gestation, any drug, medicine or substance, whatsoever, with the intent thereby to procure the miscarriage of such woman, or with like intent, to use any instrument or means whatsoever, unless such miscarriage is necessary to preserve her life; and any person so offending shall be punished by a fine of not less than five hundred nor more than one thousand dollars, and imprisoned in the State prison for not less than one nor more than ten years.

§ 2. If by reason of any of the acts described in Section 1 hereof the miscarriage of such woman is procured, and she does miscarry, causing the death of the unborn child, whether before or after quickening time, the person so offending shall be guilty of a felony, and

confined in the penitentiary for not less than two, nor more than twenty-one years.

§ 3. If, by reason of the commission of any of the acts described in Section 1 hereof, the woman to whom such drug or substance has been administered, or upon whom such instrument has been used, shall die, the person offending shall be punished as now prescribed by law, for the offense of murder or manslaughter, as the facts may justify.

§ 4. The consent of the woman to the performance of the operation or the administration of the medicines or substances, referred to, shall be no defense, and she shall be a competent witness in any prosecution under this act.

§ 5. This act shall take effect from and after its passage.

The amendment as proposed to said bill by the Committee is as follows, viz:

Amend by adding to Section 4 the following words: "And for that purpose she shall not be considered an accomplice."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
F. E. Graves,
L. B. Herrington,
R. C. Hill,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman.

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Resolved that the title thereof be as aforesaid.

Mr. Moss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 157. An act to make it a penitentiary offense to steal a skiff.

Said bill is as follows, viz:

AN ACT to make it a penitentiary offense to steal a skiff.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If any person shall steal a skiff of the value of Five Dollars or more he shall be confined in the Penitentiary not less than one nor more than five years.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	W. G. Caudill,	C. F. Crecelius,
W. D. Allbright,	Henry Chunn,	W. B. Creekmore,
J. W. Berkshire,	Z. A. Clore,	H. C. Duffy,
P. W. Berkshire,	Z. T. Coleman,	L. H. Francies,
J. M. Blair,	M. G. Colson,	G. G. Frazier,
O. Houston Brooks,	Albert J. Counts,	H. T. Gartin,
Frank J. Brown,	Peter J. Cosgrove,	F. E. Graves,
J. T. Buford,	S. F. Crabtree,	Harris, Robt. L.
S. M. Carson,	W. L. Craig,	R. C. Hill,

R. Dillard Hunter,	L. C. Owings,	Samuel L. Robertson,
W. T. Kenton,	S. P. Parks,	S. M. Russell,
O. M. Kelsey,	J. W. Perry,	H. A. Schoberth,
Wm. F. Klair,	John C. Pirtle,	W. H. Southall, Jr.,
H. L. Lewis,	Marion F. Pogue,	J. J. Taylor,
Hugh Mahin,	J. F. Porter,	E. E. Trivette,
J. H. McWaters,	W. Price,	Geo. C. Waggoner,
Don G. McVean,	L. R. Ray,	W. F. Welch,
Frank S. Moore,	R. A. Read,	W. R. Whitlow,
R. H. Moss,	Geo. W. Reid,	J. H. Williams,
H. J. Meyers,	G. T. Reynolds,	L. F. Withers,
Ben E. Niles,	H. T. Rich,	J. R. Zimmerman.
W. H. Newell,	J. F. Richardson,	—65

Those who voted in the negative were—

Chas. W. Fulton,	J. T. Riherd,	W. H. Shanks,
W. G. Keen,	Farris Roberts, Jr.	W. L. Shearer,
A. H. Points,	S. C. Roberts,	—8

Resolved that the title thereof be as aforesaid.

Mr. Graves moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 4. An act to provide for the teaching of the elements of agriculture in the public schools of this Commonwealth.

Said bill is as follows, viz:

AN ACT to provide for the teaching of the elements of agriculture in the Public Schools of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the course of instruction given in the public schools of this Commonwealth shall embrace the subject of the elements of agriculture, and that the same be taught as thoroughly as the other required subjects in the public school curriculum.

§ 2. That the same general requirement for the teaching of the other branches of the public schools of this Commonwealth shall apply in the teaching of the elements of agriculture, and the same shall be one of the required subjects; but no teacher shall be required to stand an examination in this subject until the year 1911.

§ 3. Within three months after this act becomes a law, the State and County Text-book Commission shall proceed in the same manner as text-books are adopted for this Commonwealth to select, adopt and contract for a suitable text-book on Elementary Agriculture and by the usual proclamation to direct the use of such book in the common schools of this Commonwealth for and after the opening of the school term in the year 1910.

Provided, that the adoption of said book and the contract for same shall be for no longer term than four years from July 15, 1910; and thereafter a suitable book on Elementary Agriculture shall be adopted at the same time, in the same manner and for the same period of time as other text-books are adopted.

§ 4. Because of the necessity of adopting a suitable book for use in the schools of this Commonwealth at the beginning of the school year 1910, an emergency is hereby declared to exist, and this act shall become a law from and after its passage and signature of the Governor.

Mr. Moore offered the following amendment to said bill, viz:

Amend by adding the words "and law" after the word "agriculture."

Said amendment was disagreed to.

Mr. Moss offered the following amendment to said bill, viz:

Amend by adding the words "and medicine" after the word "agriculture."

Said amendment was disagreed to.

Mr. Klair moved the previous question on said bill.

The Speaker announced "Now shall the main question be now put?"

And it was decided in the affirmative.

Mr. Schoberth moved that to-day's session be extended until the matter under consideration is disposed of.

Mr. Withers moved to amend said motion so that it will be to extend the session until the matter under consideration is disposed of and for the further consideration of matters in the Orders of the Day.

Said amendment was disagreed to.

Mr. Schoberth's motion was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading at length of said bill being dispensed with said bill was read the third time by its title.

The question being taken of the passage of said bill it was decided in the negative, there being an emergency clause in said bill and it failed to receive the number of affirmative votes as required by the Constitution.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

T. M. Bertram,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
J. T. Buford,
W. G. Caudill,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
Harris, Robt. L.
L. B. Herrington,
R. C. Hill,
John W. Holland,
Hite Huffaker,
W. G. Keen,
W. T. Kenton,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
W. V. Perry,
John C. Pirtle,
A. H. Points,
W. Price,
J. F. Richardson,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
W. L. Shearer,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
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Those who voted in the negative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Frank J. Brown,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
S. F. Crabtree,
W. L. Craig,
W. B. Creekmore,
H. C. Duffy,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Samuel D. Hines,
R. Dillard Hunter,
S. B. Johnson,
O. M. Kelsey,
Wm. F. Klair,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
Ben E. Niles,
J. W. Perry,
W. F. Pitman,
G. H. Plitt,
J. F. Porter,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. T. Riherd,
Farris Roberts, Jr.
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
J. J. Taylor,
W. F. Welch,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman.
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The hour of 1:30 o'clock having arrived,

The House stood adjourned.

FRIDAY, FEBRUARY 11, 1910.

The House was opened with prayer by the Rt. Rev. C. C. Penick, of the Protestant Episcopal Church.

The reading of the journal of yesterday's proceedings was dispensed with.

The following petitions were presented, viz:

By Mr. Wilson:

Petition of sundry citizens of Graves County asking the passage of H. B. 45.

By same:

Petition of sundry citizens of Graves County remonstrating against the passage of S. B. 23.

By Mr. Shanklin:

Petition of sundry citizens of Mason County asking the passage of H. B. 45.

By same:

Petition of sundry citizens of Mason County protesting against the passage of S. B. 23.

By Mr. Wilson:

Petition of sundry members and officers of St. Stephens' Court, No. 1380, Catholic Order of Forresters, of Newport, Kentucky, remonstrating against the passage of an act entitled, "An act to regulate Burial Associations."

Which were received, their reading dispensed with and referred as follows, viz:

1, 2, 3 and 4. To Committee on Insurance.

5. To Committee on Judiciary.

Mr. Taylor moved that the vote by which a bill entitled,

S. B. 4. An act to provide for the teaching of the elements of agriculture in the public schools of this Commonwealth.

Was disagreed to by the House on yesterday be reconsidered and moved to lay said motion on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Klair and Shearer were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin.	W. B. Creekmore,	Frank S. Moore,
W. D. Allbright,	Wm. S. Dean,	R. H. Moss,
T. M. Bertram,	H. C. Duffy,	Ben E. Niles,
Frank J. Brown,	H. T. Gartin,	J. W. Perry,
S. M. Carson,	T. D. Graham,	W. F. Pitman,
L. H. Carter,	F. E. Graves,	G. H. Plitt,
W. G. Caudill,	John W. Holland,	Marion F. Pogue,
J. P. Chinn,	S. B. Johnson,	J. F. Porter,
Henry Chunn,	O. M. Kelsey,	L. R. Ray,
S. F. Crabtree,	H. L. Lewis,	R. A. Read,
W. L. Craig.	J. H. McWaters,	Geo. W. Reid,

G. T. Reynolds,	S. C. Roberts,	E. E. Trivette,
H. T. Rich,	S. A. Shanklin,	W. F. Welch,
J. T. Riherd,	W. H. Southall, Jr.,	J. H. Williams,
Farris Roberts, Jr.	J. J. Taylor,	J. R. Zimmerman.

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Those who voted in the negative were—

J. M. Blair,	W. G. Keen,	W. Price,
J. O. Bogie,	W. T. Kenton,	J. F. Richardson,
O. Houston Brooks,	Wm. F. Klair,	Samuel L. Robertson,
Sidney G. Clay,	L. C. Littrell,	S. M. Russell,
J. R. Claypool,	Hugh Mahin,	H. A. Schoberth,
Z. T. Coleman,	Don G. McVean,	W. H. Shanks,
M. G. Colson,	H. J. Meyers,	W. L. Shearer,
Albert J. Counts,	W. H. Newell,	J. W. Turner,
Peter J. Cosgrove,	L. C. Owings,	Geo. C. Waggoner,
G. G. Frazier,	S. P. Parks,	Edward A. Weber,
L. B. Herrington,	C. C. Patrick,	W. R. Whitlow,
R. C. Hill,	John C. Pirtle,	L. F. Withers,
R. Dillard Hunter,	A. H. Points,	

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The following pairs were announced, viz:

Mr. J. W. Berkshire with Mr. W. V. Perry.

Mr. Berkshire if voting would vote in the affirmative and Mr. Perry, if present and voting, would vote in the negative.

Mr. Buford with Mr. P. W. Berkshire.

Mr. Buford, if voting, would vote in the negative and Mr. Berkshire, if present and voting, would vote in the affirmative.

Mr. Graves moved to reconsider the vote by which the House refused to pass a bill entitled,

H. B. 16. An act to provide for the protection of game and fish.

(For bill see House Journal, February 9th.)

Mr. Brown moved that said motion lie on the table.

Said last named motion was agreed to.

The yeas and nays being required thereon by Messrs. Brown and Niles were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	H. T. Gartin,	J. F. Porter,
W. D. Allbright,	T. D. Graham,	L. R. Ray,
T. M. Bertram,	R. C. Hill,	R. A. Read,
J. M. Blair,	S. B. Johnson,	Geo. W. Reid,
O. Houston Brooks,	O. M. Kelsey,	G. T. Reynolds,
Frank J. Brown,	J. H. Lackey,	H. T. Rich,
J. T. Buford,	H. L. Lewis,	Farris Roberts, Jr.
S. M. Carson,	J. H. McWaters,	S. C. Roberts,
W. G. Caudill,	Frank S. Moore,	S. M. Russell,
Henry Chunn,	R. H. Moss,	W. H. Shanks,
J. R. Claypool,	Ben E. Niles,	W. L. Shearer,
M. G. Colson,	S. P. Parks,	W. H. Southall, Jr.,
S. F. Crabtree,	C. C. Patrick,	J. J. Taylor,
W. L. Craig,	J. W. Perry,	E. E. Trivette,
W. B. Creekmore,	John C. Pirtle,	W. F. Welch,
Wm. S. Dean,	W. F. Pitman,	J. H. Williams,
G. G. Frazier,	G. H. Plitt,	J. R. Zimmerman.
Chas. W. Fulton,	Marion F. Pogue,	—53

Those who voted in the negative were—

J. W. Berkshire,	H. C. Duffy,	W. T. Kenton,
L. H. Carter,	F. E. Graves,	Wm. F. Klair,
J. P. Chinn,	L. B. Herrington,	L. C. Littrell,
Sidney G. Clay,	John W. Holland,	Hugh Mahin,
Z. T. Coleman,	Hite Huffaker,	Don G. McVean,
Peter J. Cosgrove,	R. Dillard Hunter,	H. J. Meyers,
C. F. Crecelius,	W. G. Keen,	W. H. Newell,

L. C. Owings,	J. T. Riherd,	J. W. Turner,
A. H. Points,	Samuel L. Robertson,	Geo. C. Waggoner,
W. Price,	H. A. Schoberth,	Edward A. Weber,
J. F. Richardson,	S. A. Shanklin,	W. R. Whitlow,

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Mr. Newell moved that when the House adjourn to-day it be to meet Monday next, the 14th inst., at 12 o'clock meridian.

Said motion was agreed to.

Mr. Chinn moved to reconsider the vote by which the House on Tuesday last refused to order to a reading a bill entitled,

H. B. 182. An act for the promotion of agriculture and horticulture among the negroes.

Said motion was agreed to.

Mr. Waggoner moved that said bill be recommitted to the Committee on Agriculture.

Said motion was agreed to.

Mr. Waggoner moved that the rules be suspended and that the House take up for consideration a bill entitled,

H. B. 78. An act to amend Chapter 21 of the Acts of 1906 entitled, "An act to amend Section 2560 of the Kentucky Statutes, it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes entitled "Liquors intoxicating."

Said motion was disagreed to, it failing to receive two-thirds of all the votes cast.

The yeas and nays being required thereon by Messrs. Waggoner and Turner were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
T. M. Bertram,
O. Houston Brooks,
J. T. Buford,
Henry Chunn,
J. R. Claypool,
Z. T. Coleman,
Albert J. Counts,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
L. B. Herrington,
R. C. Hill,
S. B. Johnson,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
J. H. McWaters,
Ben E. Niles,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. R. Whitlow,
J. H. Williams,
J. R. Zimmerman.

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Those who voted in the negative were—

J. W. Berkshire,
J. M. Blair,
J. O. Bogie,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
M. G. Colson,
Peter J. Cosgrove,
W. L. Craig,
H. C. Duffy,
L. H. Francies,
H. T. Gartin,
F. E. Graves,
Harris, Robt. L.
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
Wm. F. Klair,
L. C. Littrell,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
W. A. Price,
Samuel L. Robertson,
J. J. Taylor,
Edward A. Weber,
L. F. Withers,

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The following pair was announced, viz:

Mr. Clay with Mr. W. V. Perry.

Mr. Perry, if present and voting, would vote in the affirmative and Mr. Clay, if voting, would vote in the negative.

Mr. Owings, of the Board heretofore selected and sworn to determine the contest to the right to a seat in this House from the counties of Morgan and Wolfe in the case of Malone Lykins vs. J. W. Perry, offered the following resolution, viz:

Resolved, That the following amounts be allowed to the contestant and contestee in the contest of Malone Lykins against J. W. Perry for their attorneys' fees and other expenses incurred in said contest instituted to determine the right to a seat in this House, viz:

To Malone Lykins ---------- $250.00

To J. W. Perry ---------- 250.00

Which allowances shall be paid as follows, viz:

To Lewis A. Nuckols, attorney for said Malone Lykins, $250.00; to Cisco and Nickolls, attorneys for J. W. Perry, $250.00. That the same be certified to the Auditor of Public Accounts as a necessary contingent expense of this House and he is directed to draw his warrant on the Treasurer for said amounts in favor of said attorneys named respectively.

Mr. Waggoner moved the following amendment to said resolution, viz:

Strike out $250.00 wherever it occurs and insert in lieu thereof $100.00.

Said amendment was agreed to.

Said resolution as amended was then adopted.

Mr. Holland moved to reconsider the vote by which said resolution was adopted and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Points offered the following resolution, viz:

Whereas there is a bill now pending in the House No. 314 referred to the Committee on Public Offices concerning Public Printing and it is necessary for the information of the members of the said Committee in order to properly consider said bill that the report from the State Board of Printing Commissioners required by Section 3990 of the Kentucky Statutes to be filed on February 1, 1910, be placed before them, therefore,

Resolved, That said Board furnish a copy of said report to each member of this House not later than 12 o'clock, noon, Monday, February 14, 1910. The Sergeant-at-Arms is hereby directed to serve a copy of this resolution upon each member of said Board and make due return thereof.

Said resolution was agreed to.

The following communication was received, viz:

STATE OF KENTUCKY,
EXECUTIVE DEPARTMENT.
Frankfort, February 11, 1910.

To the House of Representatives of the Commonwealth of Kentucky:

I am directed by the Governor of the Commonwealth of Kentucky to inform your Honorable Body that he returns without approval H. Res. 4, having made the following remarks thereon:

"This resolution was adopted without jurisdiction of the joint

resolution of the Congress of the United States which had not been transmitted to and was not before the General Assembly, and in this resolution the words 'on incomes' were left out of the resolution of the Congress, and if transmitted in this form would be void and would subject the Commonwealth to unpleasant comment and for these reasons and because a later resolution correcting the omission is reported to have passed both Houses, this resolution is returned to the House of Representatives without my approval.

February 11, 1910.

AUGUSTUS E. WILLSON,
Governor of Kentucky."

Respectfully,

McKENZIE TODD,
Secretary to the Governor.

Mr. Klair moved that the consideration of said communication be postponed until 11 o'clock Tuesday next the 15th inst.

Said motion was agreed to.

The House took up for consideration from the calendar, bills of the following titles, viz:

H. B. 359. An act to amend an act regulating the terms of court of the 12th Judicial District of Kentucky.

H. B. 210. An act to amend Section 1697, Subdivision 1 of Article 15, Chapter 46 of the Kentucky Statutes, Carroll's Edition of 1903, entitled "Executions."

S. B. 19. An act to prevent the unlawful use of a motor car.

H. B. 391. An act to amend and re-enact Section 4338 of the Kentucky Statutes.

H. B. 257. An act to appropriate $5,000.00 to assist in erecting a mounment or memorial building in Todd and Christian counties at the birthplace of Jefferson Davis.

H. B. 48. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906, and abolishing the offices of Revenue Agents for the State at large provided for therein.

H. B. 64. An act to exempt from taxation all bonds, notes and other evidences of interest bearing debt issued by the State or by any municipal corporation or by any public school and the means of instruction in connection therewith, in the State of Kentucky.

H. B. 214. An act to amend Section 4046, Article Chapter 108 of the Kentucky Statutes, Carroll's Edition of 1909, entitled "Assessment of property."

S. B. 79. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898.

H. B. 44. An act to amend Section 965, Kentucky Statutes, relating to Circuit Courts in the Sixth Judicial District.

H. B. 243. An act to amend Section 606 of Carroll's 1906 revised edition of the Kentucky Code of Practice.

H. B. 117. An act to amend civil code of practice and define order of court sustaining a motion to quash process of summon to be a final order for the purpose of an appeal therefrom.

H. B. 38. An act to amend Article 2 of Chapter 6 of Title 6 of the Code of Practice in criminal cases relating to the time of trial.

H. B. 397. An act to amend and re-enact Section 2463, Kentucky Statutes entitled "Mechanics and material men," which became a law February 25, 1893.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with they were severally read the second time by their title.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 156. An act creating a County Text-book Commission; to adopt for use in the common schools of each county in this Commonwealth a uniform series of text-books, regulating the prices thereof, defining the powers and duties of said Commission and the method of selection of said text-books and their distribution and prescribing penalties for the violation of this act.

Together with the amendments heretofore proposed thereto by the Committee on Education No. 1.

Said bill is as follows, viz:

An act creating a County Text-book Commission to adopt for use in the common schools of each county in this Commonwealth a uniform series of text-books, regulating the prices thereof, defining the powers and duties of said Commission and the method of selection of such text-books and of their distribution, and prescribing penalties for the violation of this act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

COUNTY TEXT-BOOK COMMISSION.

§ 1. There is hereby created for each county within the State a

County Text-book Commission, which shall consist of the County Superintendent of Schools, the Principal of a county high school of the county, one member of the County Board of Examiners and one teacher appointed by the State Board of Education, and one member of the County Board of Education elected by said County Board, provided that no person shall serve on said Commission who is the author of any text-book published for use in the common schools, or who has been in the employ as a traveling salesman, or otherwise, of any publisher of school text-books within a period of two years prior to the passage of this act.

§ 2. Vacancies on the Commission resulting from the disqualification of the County Superintendent, Principal of the county high school, or member of the Board of Examiners, shall be filled by the State Board of Education. Vacancies resulting from other causes shall be filled as prescribed by law for original members.

§ 3. Each member of said Commission shall qualify by taking and subscribing to an oath faithfully to discharge his duties as required by this law, and said affidavit shall be filed in the office of the clerk of the county court of the county.

§ 4. The members of the County Text-book Commission, as thus constituted, shall meet on the call of the County Superintendent in his office during the month of April of the years in which existing contracts expire, and shall organize. The County Superintendent shall be ex officio Chairman of the Commission, and a Secretary shall be elected from the membership. The Chairman shall preside at all meetings of the Commission. The Secretary shall keep complete records thereof, and all such records and all contracts shall be signed by the Chairman and Secretary.

§ 5. Members of said Commission who do not receive an annual salary from the county shall be paid three dollars per day each for

days of actual service, not exceeding six days in one year, and their actual necessary traveling expenses. These accounts shall be audited and paid by the Fiscal Court.

§ 6. Not less than sixty days before the expiration of the contracts now in force for furnishing books to the common schools of the county, the County Text-book Commission shall advertise through one or more county papers, or by written notification to all qualified publishers as hereinafter provided, that at a time and place fixed definitely in the advertisement, sealed bids or proposals will be received from the publishers of school text-books for furnishing books to the common schools of the county, in accordance with the provisions of this law and such regulations as the Commissioner may prescribe. Such advertisement shall reserve to the Commission the right to reject any and all bids.

§ 7. Such bids and proposals shall be for furnishing books during a period of five years and no longer. The bids shall state specifically the net contract and exchange prices at which books are to be furnished to agents within the county, and shall be accompanied by a specimen copy of every book proposed to be furnished. All bids shall be sealed and deposited with the Chairman of the Commission to be by him delivered to the Commission in executive session, when they shall be opened in the presence of the Commission. It shall be the duty of the Chairman of the Commission to carefully preserve in his office for comparison the specimen copy of the books adopted, together with the original bid or proposal, and when requested, to return to the publishers the specimen copies of other books submitted, at their expense.

§ 8. The Commission shall have and reserve the right to reject any and all bids for reasons satisfactory to a majority of the Commission. In case of failure to select from the bids submitted a satisfactory text-book upon any of the branches prescribed by law, the

Commission shall re-advertise for sealed bids under the same terms and conditions, and proceed with its investigations as in the first instance.

§ 9. It shall be the duty of the said Commission in each county, during the month of June or July of the years in which existing contracts expire, by a majority vote of the entire Commission to adopt from the authorized State list, as hereinafter provided, a uniform series or system of text-books for use in the common schools of the county, except in cities of the First, Second, Third and Fourth Classes, and to arrange for the distribution of such books to agents at the net contract price. The Commission may, from time to time, make any regulations not contrary to the provisions of this act to secure the prompt and faithful performance of all contracts, and the prompt distribution of the books herein provided for.

§ 10. The Commission, in the selection and adoption of a uniform series of text-books, shall consider the merits of the books, taking into consideration their subject-matter, the printing, binding, material, and mechanical qualities, their general suitability and desirability for the purposes intended and the price. The Commission shall select and adopt such books as will, in its judgment, accomplish the ends desired.

§ 11. The uniform series of text-books to be selected by the Commission shall include all the branches required by law to be taught in the common elementary and high schools of the county, except as herein provided, but no text-book shall contain anything of a partisan or sectarian character.

§ 12. County high schools having been established since the last adoption of text-books, it shall be the duty of each County Text-book Commission, as herein constituted, by or before the 1st of July, 1910, to adopt a uniform series of text-books for use in such county high schools and such other high schools as may not be exempt by law from

the provisions of this act. Such adoption shall be made in accordance with the provisions of this act, and shall be for a term of four years from July 15, 1910. All adoptions thereafter shall be for a term of five years.

§ 13. After the adoption shall have been made, the Commission shall award the contracts and shall, by registered letter, notify the bidders to whom contracts have been awarded, and shall at the same time notify the State Superintendent of the awards made. It shall be stipulated in all contracts that the net contract and exchange prices at which such book or books shall be sold to the Commission, or the designated agents of the Commission in the county shall not exceed the lowest net contract and exchange prices at which the same book or books are sold under contract with any other State, county, township or school district in the United States.

§ 14. It shall be the duty of the State Superintendent of Public Instruction to prepare and have printed a form of contract between county text-book commissions and publishers of school books, said form to be approved by the Attorney-General, and to furnish the same, through the County Superintendent, to the several county commissions of the State; and no other form of contract shall be used by such county commissioners and publishers in carrying out the provisions of this act.

§ 15. It shall always be a part of the terms and conditions of every contract made in pursuance of this act that the State of Kentucky shall not be liable to any contractor in any manner for any sum whatever, but all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of books, as provided for in this act.

§ 16. For the distribution and sale of adopted books to patrons, the County Commission shall arrange with at least two responsible merchants or other agents in the county of good financial rating, in

locations selected with reference to the convenience of said patrons, and shall appoint the same as agents, and such agents shall sell the books adopted to the patrons and pupils of the common schools at a price not exceeding fifteen per cent advance on the net contract price of said books, and out of said excess over the net contract price so charged by such agent he shall pay the transportation charges on said books. Said agent shall exchange new books for old ones displaced by said adoption at the exchange price herein provided for during the first year of each and every contract made under the provisions of this act.

§ 17. When any patron or pupil of the common schools owning text-books adopted for use in said schools in the county of his residence shall remove to another county, he may deliver such books to any agent or dealer in the county from which he has removed and the agent or dealer to whom same shall be delivered shall receive and pay him in money the exchange value of such books. Provided, that only such old books as are whole and in good serviceable condition shall be so purchased by said dealer.

§ 18. The County Judge in purchasing books for indigent pupils as required by law shall purchase from said dealers said second hand books so far as the same may be suitable for such purpose and furnish same to the County Superintendent for the use of said indigent pupils. Provided, that no agent or dealer of any county commission shall sell any second hand books so purchased, or any second hand book to any pupil or patron or to the county judge as herein provided at a price higher than ten per cent above the cost of such second hand book.

§ 19. Any agent or dealer, clerk or other person having or selling books adopted under this act, who shall ask or receive for any such book more than the lawful price therefor, as herein defined, or who shall refuse to exchange new books for old at the exchange price herein

provided for during said period of exchange, or who shall refuse to receive from patrons or pupils removed to other counties books owned by them and adopted for use in the common schools of the county of such agent or dealer and to pay to them the exchange value thereof in cash for such old books shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty or more than one hundred dollars.

§ 20. It shall be the duty of the State Board of Education by the first of September of each year to have printed a complete list of all the books adopted under the provisions of this act stating the highest lawful retail and exchange price of each, and to distribute such lists to county superintendents in such quantity as they may request. It shall be the duty of the county superintendent to furnish such lists attested by his signature, to all dealers and to the principal teachers of all schools in the county, and such dealers and teachers shall post the same conspicuously in their sales rooms or school houses. Failure to comply with the provisions of this section by any of the parties herein named, shall be punishable by a fine of not less than ten nor more than twenty dollars.

§ 21. It shall be the duty of publishers of text-books adopted under the provisions of this act, before shipping such books to dealers or agents within the State, to paste between the front cover and the fly leaf of each a printed slip as follows: "To the Public: The retail price of this book is printed on a poster required by law to be displayed in the sales room of every dealer and in every school-house in the county. Higher prices are unlawful and should be reported immediately to your County Superintendent or to the State Superintendent of Public Instruction.

§ 22. The books adopted by the Commission as the uniform system of text-books shall be introduced and used as text-books to the

exclusion of all others in all the common schools of the State, except as herein provided, for a period of five years from the date of adoption, and it shall not be lawful for any teacher or other school officer to use, or any board of education to permit to be used, any books upon the same branches other than those adopted by the Commission. However, nothing herein shall prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act.

Any board of education, trustee or teacher violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, be punished by a fine of not less than ten nor more than fifty dollars for each offense.

§ 23. Before the publisher of any school text-book shall offer the same for sale to any county text-book commission in Kentucky, said publisher shall file a copy of the text-book in the office of the State Superintendent of Public Instruction with a sworn statement of the lowest net price at which said book is sold anywhere in the United States, under State, county, township, district of city contract. Said publisher shall file with the State Board of Education a written agreement to furnish said book or books to the designated agents, as hereinbefore provided, or to any county text-book commission in Kentucky at the prices so filed, exclusive of transportation charges. Said publisher must further agree to reduce said prices in Kentucky if reductions are made elsewhere in the country, so that at no time may any book be sold in Kentucky by the contractor at a higher price than is received for the same book elsewhere under State or county contract. Said publisher shall further agree that all books offered for sale in Kentucky shall be equal in quality to those deposited in the office of the State Superintendent as regards paper, binding, printing, illustrations and all points that may affect the value of said books.

§ 24. If any publisher shall furnish to any county books inferior

in any particular to the samples on file in the office of the State Superintendent, or shall offer them at higher prices than those listed with the State Superintendent, it shall become the duty of the County Text-book Commission of said county to inform the State Superintendent of the failure of said publisher to comply with the terms of his contract. The State Superintendent shall thereupon notify the publisher of said complaint, and if said publisher shall disregard the notification and fail immediately to comply with the terms of his contract, then the State Superintendent shall institute legal proceedings to recover damages on the bond of said publisher.

§ 25. Before the publisher of any school text-book shall offer the same for sale to any county text-book commission in the State of Kentucky, and at the time of filing such text-book in the office of the State Superintendent of Public Instruction, said publisher shall pay into the Treasury of the State of Kentucky a filing fee of five dollars for each book offered by said publisher. A series of books by the same author and upon the same subject shall constitute one book for this purpose. The fees thus received shall constitute a fund out of which, upon requisition made by the State Superintendent, shall be paid the expenses of publishing lists and other information for the use of the County Text-book Commissions, clerk hire and other necessary expenses in connection with the filing of all text-books submitted for adoption in the State of Kentucky. Any balance of such fund remaining upon the first of January of the year following the completion of adoptions shall be placed to the credit of the State School Fund.

§ 26. When any publisher of school text-books shall file with the State Superintendent the samples and lists provided for under this act, said publisher at the same time shall be required to file a sworn statement that he has no understanding or agreement of any kind with any other publisher, or interest in the business of any other publisher with the effect, design or intent to control the prices of such books,

or to restrict competition in the adoption or sale thereof.

§ 27. If, at any time, any publisher shall enter into any understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of school books, or if the statements required of said publisher in the preceding sections shall be untrue in any respect, then the Attorney-General shall institute and prosecute legal proceedings for the forfeiture of the bond of said publisher, and for the revocation of his authority to sell school books in this State, and all contracts made by said publisher under this act, shall thereupon become null and void at the option of the other parties thereto.

§ 28. Any person, firm or corporation qualified to sell school books in Kentucky under the provisions of this act, or any agent thereof who shall, directly or indirectly, contribute any money or thing of value to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for office in this State, or in any district or county thereof, or to the campaign fund of any person who is a candidate for nomination for an office, or shall give any money, or valuable property whatsoever to any member of any county text-book commission, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one thousand dollars nor more than five thousand dollars in the discretion of the jury, and such act on the part of said person, firm or corporation, or the agent thereof, shall also be considered a breach of the bond made by said person, firm or corporation with the State, and the venue of the action shall be within any county in the State where said act is committed, or in the Franklin Circuit Court; and the State Board of Education, or any one of the county text-book commissions, or any member thereof in the county where the offense is committed, shall have the right to prosecute an action for the breach of said bond, and the amount recovered for said breach shall be turned over to the Treasury of Ken-

tucky for the benefit of the State School Fund.

§ 29. Any member of any county text-book commission who shall solicit, accept or receive any money, gift or any property or favor whatsoever from any person qualified to sell text books in Kentucky, or any agent thereof, or other person in any way interested in the sale of such text-books shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

§ 30. To insure compliance with the aforesaid conditions under which school text-books may be sold in the State of Kentucky, the publisher shall file with the State Board of Education a bond of not less than two thousand dollars nor more than ten thousand dollars, the amount to be fixed by the State Board of Education upon compliance with the provisions of the preceding sections, and the bond to be approved by said Board. The publisher shall thereupon be qualified to sell school books in this State.

§ 31. Any publisher who shall offer for adoption to any text-book commission school text books of any kind without first qualifying therefor under this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars.

TEXT BOOK COMMISSIONS FOR CITIES.

§ 33. The Board of Education in a city of the First, Second, Third or Fourth Class, shall constitute the Text-book Commission for such city, and as such, its powers, duties, restrictions and penalties shall be identical with those provided by law for county text-book commissions; provided that the members of such Board acting as a text-book

commission shall receive no compensation for their services, and provided further that if any member of said Board shall be or become ineligible to serve as a member of the Text-book Commission, then the other members of the Board are hereby empowered to fill the vacancy on the Text-book Commission thus created.

§ 34. The provisions of this law shall also apply to all corporations, firms or individuals concerned in any way in the selection, adoption, sale or use of common school text books in cities of the first four classes.

§ 35. All laws and parts of laws in conflict with the provisions of this article are hereby repealed. Provided, however, that the provisions of contract and obligations imposed by the law under which the existing State contract for uniform text books was made shall remain in force, and all contractors thereunder shall continue to be held liable under their bond for the faithful performance of said existing contracts until the expiration of the same.

The amendments as proposed by said committee to said bill are as follows, viz:

1. Amend Section 1 by striking out from lines 3, 4, and 5, the words "the Principal of a county High School of the county, one member of the County Board of Examiners and one teacher appointed by the State Board of Education" and insert in lieu thereof the words "the two members of the County Board of Examiners, the Principal of a High School in the county, to be appointed by the State Board of Education."

2. Amend said bill by striking out Section 5.

3. Amend said bill by striking out Section 21.

4. Amend Section 25 by inserting between the words "the" and

"year" in line 237 the word "fifth."

5. Amend said bill by renumbering the Sections succeeding Section four.

Said amendments were severally agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	A. H. Points,
W. D. Allbright,	Harris, Robt. L.	J. F. Porter,
J. W. Berkshire,	L. B. Herrington,	W. Price,
T. M. Bertram,	Samuel D. Hines,	L. R. Ray,
J. O. Bogie,	John W. Holland,	R. A. Read,
O. Houston Brooks,	Hite Huffaker,	Geo. W. Reid,
Frank J. Brown,	R. Dillard Hunter,	H. T. Rich,
J. T. Buford,	S. B. Johnson,	J. F. Richardson,
S. M. Carson,	W. G. Keen,	J. T. Riherd,
L. H. Carter,	W. T. Kenton,	S. C. Roberts,
W. G. Caudill,	O. M. Kelsey,	Samuel L. Robertson.
J. P. Chinn,	Wm. F. Klair,	S. M. Russell,
Henry Chunn,	J. H. Lackey,	S. A. Shanklin,
Sidney G. Clay,	H. L. Lewis,	W. H. Shanks,
J. R. Claypool,	J. H. McWaters,	W. L. Shearer,
Z. T. Coleman,	Don G. McVean,	W. H. Southall, Jr.,
M. G. Colson,	Frank S. Moore,	J. J. Taylor,
Albert J. Counts,	R. H. Moss,	E. E. Trivette,
Peter J. Cosgrove,	H. J. Meyers,	J. W. Turner,
W. L. Craig,	W. H. Newell,	Geo. C. Waggoner,

C. F. Crecelius, L. C. Owings, Edward A. Weber,
W. B. Creekmore, S. P. Parks, W. F. Welch,
H. C. Duffy, C. C. Patrick, W. R. Whitlow,
L. H. Francies, W. V. Perry, J. H. Williams,
G. G. Frazier, John C. Pirtle, L. F. Withers,
Chas. W. Fulton, G. H. Plitt, J. R. Zimmerman.
H. T. Gartin,
—79

Those who voted in the negative were—

Ben E. Niles, Marion F. Pogue,
—2

Resolved that the title thereof be as aforesaid.

Mr. Holland moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Klair moved that the rules be suspended and the House take up for consideration from the Orders of the Day out of its regular Order a joint resolution entitled,

S. Res. 8. Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

Said motion was agreed to.

Said resolution is as follows, viz:

Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

§ 1. There is hereby appropriated the sum of eight thousand two hundred dollars for the purpose of paying the necessary extra expenses

of this General Assembly; four thousand one hundred dollars to be for the use of and under the control of the Senate, and four thousand one hundred dollars to be for the use of and under the control of the House of Representatives.

§ 2. The amount herein set apart to the Senate to be paid to the Sergeant at Arms of the Senate, and the amount set apart to the House of Representatives to be paid to the Sergeant at Arms of the House of Representatives at such times and in such sums as may be certified by the Chief Clerks of the respective Houses.

§ 3. The Sergeant at Arms of the Senate and House shall pay out said money to such persons, in such sums and at such times as shall be ordered and directed by the chairman of the Committee on Rules of the respective Houses, and they shall not pay out such appropriation or any part thereof for any purpose, or to any person other than indicated by the said chairman of the Committee on Rules and upon their order.

§ 4. Before the final adjournment of this session of the General Assembly said Sergeants-at-Arms shall make to their respective Houses an itemized statement showing the amounts paid out, and to whom, and if any balance remain in their hands it shall be covered back into the Treasury of the State.

§ 5. The Auditor of Public Accounts is hereby directed to draw his warrant upon the State Treasurer for the sums above set out in favor of the said Sergeants at Arms respectively upon the certificates of the chief clerks as aforesaid.

§ 6. It being necessary that this sum be appropriated in order that the business of this General Assembly be transacted properly and expeditiously an emergency is hereby declared to exist, and this resolution shall take effect upon its adoption.

Ordered that said resolution be read the third time.

Said resolution was read the third time and concurred in.

The yeas and nays being taken on concurring in said resolution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	R. C. Hill,	W. F. Pitman,
J. W. Berkshire,	Samuel D. Hines,	Marion F. Pogue,
J. O. Bogie,	John W. Holland,	A. H. Points,
O. Houston Brooks,	Hite Huffaker,	J. F. Porter,
Frank J. Brown,	R. Dillard Hunter,	L. R. Ray,
J. T. Buford,	W. T. Kenton,	Geo. W. Reid,
S. M. Carson,	O. M. Kelsey,	H. T. Rich,
W. G. Caudill,	Wm. F. Klair,	J. F. Richardson,
J. P. Chinn,	J. H. Lackey,	J. T. Riherd,
Henry Chunn,	L. C. Littrell,	S. C. Roberts,
Sidney G. Clay,	Hugh Mahin,	Samuel L. Robertson,
J. R. Claypool,	J. H. McWaters,	S. M. Russell,
Z. T. Coleman,	Don G. McVean,	H. A. Schoberth,
Peter J. Cosgrove,	Frank S. Moore,	W. H. Southall, Jr.,
C. F. Crecelius,	R. H. Moss,	Geo. C. Waggoner,
H. T. Gartin,	H. J. Meyers,	W. R. Whitlow,
T. D. Graham,	Ben E. Niles,	J. H. Williams,
F. E. Graves,	W. H. Newell,	L. F. Withers,
L. B. Herrington,	L. C. Owings,	J. R. Zimmerman.

—57

Those who voted in the negative were—

W. D. Allbright,	H. C. Duffy,	John C. Pirtle,
T. M. Bertram,	Harris, Robt. L.	G. H. Plitt,
L. H. Carter,	H. L. Lewis,	W. Price,
M. G. Colson,	S. P. Parks,	R. A. Read,
S. F. Crabtree,	C. C. Patrick,	W. L. Shearer,
W. L. Craig.	J. W. Perry,	Edward A. Weber,

—18

Resolved that the title thereof be as aforesaid.

Mr. Klair moved to reconsider the vote by which said resolution was concurred in and to lay said motion on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 231. An act to revise and amend an act entitled, "An act to amend Sections 124 and 125 of an act entitled 'An act for the government of cities of the First Class, approved July 1, 1893,' approved March 21, 1902," Section 1 of said act being Sections 2909 and 2910 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in 1903.

Said bill is as follows, viz:

AN ACT to revise and amend an act entitled "An act to amend Sections 124 and 125 of an act, entitled "An act for the government of cities of the First Class, approved July 1, 1893," approved March 21, 1902. Section 1 of said act being Sections 2909 and 2910 of Chapter 89 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in 1903.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to amend Sections 124 and 125 of an act, entitled "An act for the Government of cities of the First Class," approved July 1, 1893, approved March 21, 1902, Section 1 of said act being Section 2909 and 2910 of Chapter 89 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and

issued in 1903, be, and the same is hereby revised and amended so as to read as follows:

Section 2909. There is hereby created the office of Corporation Counsel for cities of the First Class, and the office of First Assistant Corporation Counsel for cities of the First Class and the office of Second Assistant Corporation Counsel for cities of the First Class, and the mayor of the city is hereby authorized to appoint the Corporation Counsel for a term of four years, whose duty it shall be to give legal advice to the mayor members of the General Counsel, and all other officers and boards of the city in the discharge of their official duties, and if required he shall give his opinions in writing, and they shall be preserved for reference. It shall be his duty to prosecute all suits for, and defend all suits against, the city, and to attend to such other legal business as may be prescribed by the General Council. He shall receive a salary not to exceed $5,000 per annum, payable in monthly installments, and he can be removed at any time at the pleasure of the Mayor, but not by any officer temporarily filling the position of the Mayor in the absence or during temporary disability of the regularly elected or appointed Mayor.

Section 2910. At the same time, at which a Corporation Counsel is appointed in accordance with the preceding section, there shall be appointed by the Mayor for a term of four years a First Assistant Corporation Counsel, and a Second Assistant Corporation Counsel, who shall be licensed practicing attorneys at law, and shall discharge such duties as may be required of them by the Corporation Counsel, or prescribed by the General Council and Mayor, in the preparation, prosecution and defense of all legal business of the city. Each shall be removable at the pleasure of the Mayor as provided in the preceding section in the case of the Corporation Counsel. The First Assistant Corporation Counsel may receive a salary not to exceed $3,000 per annum, payable monthly, and second Assistant Corporation Counsel

may receive a salary not to exceed $2,500 per annum, payable monthly.

§ 2. The offices of City Attorney, First Assistant City Attorney, and Second Assistant City Attorney of cities of the First Class, as now exist are hereby abolished.

Whereas, It is desirable that the Mayors of cities of the First Class have a right to select their official legal advisers, an emergency is hereby declared to exist, and this act takes effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

R. H. Akin,	F. E. Graves,	John C. Pirtle,
J. W. Berkshire,	Samuel D. Hines,	W. F. Pitman,
J. O. Bogle,	John W. Holland,	Marion F. Pogue,
O. Houston Brooks,	Hite Huffaker,	A. H. Points,
Frank J. Brown,	R. Dillard Hunter,	J. F. Porter,
J. T. Buford,	W. G. Keen,	W. Price,
S. M. Carson,	W. T. Kenton,	L. R. Ray,
L. H. Carter,	O. M. Kelsey,	Geo. W. Reid,
W. G. Caudill,	Wm. F. Klair,	J. F. Richardson,
J. P. Chinn,	J. H. Lackey,	J. T. Riherd,
Sidney G. Clay,	L. C. Littrell,	S. C. Roberts,
J. R. Claypool,	Hugh Mahin,	S. M. Russell,
Z. A. Clore,	J. H. McWaters,	H. A. Schoberth,
Z. T. Coleman,	Don G. McVean,	S. A. Shanklin,
Peter J. Cosgrove,	Frank S. Moore,	W. H. Shanks,
S. F. Crabtree,	R. H. Moss,	Edward A. Weber,
W. L. Craig,	H. J. Meyers,	W. R. Whitlow,

C. F. Crecelius,	Ben E. Niles,	J. H. Williams,
Chas. W. Fulton,	W. H. Newell,	L. F. Withers,
H. T. Gartin,	L. C. Owings,	J. R. Zimmerman.
T. D. Graham,	J. W. Perry,	—61

Those who voted in the negative were—

W. D. Allbright,	L. B. Herrington,	W. L. Shearer,
T. M. Bertram,	S. P. Parks,	J. W. Turner,
J. M. Blair,	C. C. Patrick,	—16

Resolved that the title thereof be as aforesaid.

Mr. Robertson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 158. An act to set apart an "Arbor and Bird day."

Said bill is as follows, viz:

AN ACT to set apart an "Arbor and Bird Day."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The last Friday in March of each year shall be designated as "Arbor and Bird Day," which shall be observed in the schools and in such other way as may be appropriate, by planting trees and conducting suitable exercises: Provided that the actual planting of trees may be done on the day designated or at such other most convenient time as may best conform to local conditions.

§ 2. Annually the Governor shall issue a proclamation calling attention to the provisions of this act.

§ 3. The Superintendent of Public Instruction shall promote the observance of the day.

Mr. Waggoner offered the following amendment to said bill:

Strike out the word "March" and insert in lieu thereof the word "November."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
Harris, Robt. L.
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
J. W. Perry,
John C. Pirtle,
G. H. Plitt,
J. F. Porter,
W. Price,
R. A. Read,
Geo. W. Reid,
J. F. Richardson,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,

Sidney G. Clay,	Wm. F. Klair,	W. H. Shanks,
J. R. Claypool,	J. H. Lackey,	W. L. Shearer,
Z. A. Clore,	H. L. Lewis,	W. H. Southall, Jr.,
Z. T. Coleman,	J. H. McWaters,	E. E. Trivette,
M. G. Colson,	Don G. McVean,	J. W. Turner,
Peter J. Cosgrove,	H. J. Meyers,	Geo. C. Waggoner,
S. F. Crabtree,	Ben E. Niles,	Edward A. Weber,
W. L. Craig,	W. H. Newell,	W. F. Welch,
C. F. Crecelius,	L. C. Owings,	J. H. Williams,
W. B. Creekmore,	S. P. Parks,	L. F. Withers,
L. W. Francis,	C. C. Patrick,	J. R. Zimmerman.

Those who voted in the negative were—

H. C. Duffy,	L. R. Ray,	W. R. Whitlow,
W. F. Pitman,	J. T. Riherd,	

Resolved that the title thereof be as aforesaid.

Mr. Lewis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The hour of 1:30 o'clock having arrived, The House stood adjourned until Monday next at 12 o'clock meridian.

MONDAY, FEBRUARY 14, 1910.

The House was opened with prayer by the Rev. M. B. Adams of the First Baptist Church of Frankfort.

The reading of the Journal of the proceedings of Friday last was dispensed with.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

1. S. B. 71. An act to amend an act entitled to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth. Which became a law March 5, 1898.

2. S. B. 75. An act to amend Section 1847 of the Kentucky Statutes of 1909 edition and to provide for the election and appointment of county officers and appointees of the County Commissioners in the event of a tie vote therein.

Ordered that said bills be printed and referred.

1. To Committee on State Prisons and Houses of Reform.

2. To Committee on County and City Courts.

The House took up for consideration from the Orders of the Day a bill entitled.

H. B. 37. An act to amend an act entitled "An act for the government and regulation of common schools of this State," approved March 24, 1908.

Said bill is as follows, viz:

AN ACT to amend an act, entitled, "An Act for the government and regulation of the common schools of this State," approved March 24, 1908.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An Act for the government and regulation of the common schools of this State," approved March 24, 1908,

be and the same is amended as follows: That Section 3 of said act be repealed, and the following be enacted in lieu thereof: Section 3, On the first Saturday in August after the passage of this act an election shall be held at the school for white children and at the school house for colored children, if any, in each school subdistrict in this Commonwealth from the hour of one until five o'clock in the afternoon for the purpose of electing one white trustee of the white school or schools and one colored trustee of the colored school or schools in said subdistrict, if any, as fixed by said act. The white trustees then elected shall hold their offices, one half for one year, and one half for two years, and the colored trustees then elected shall hold their offices, one half for one year, and one half for two years, as shall be determined by lot at the first meeting of the division board as provided for in Section 4 of said act. Each year thereafter there shall be elected for a term of two years one trustee in each subdistrict, for the white school or schools, and one trustee for the colored school or schools, if any, in which the term of the trustee or trustees in office will then expire. Said trustee shall serve until their successors are duly elected or appointed and qualified as herein provided.

Only white persons shall be eligible to the office of trustee of white schools, and only colored persons shall be eligible to be trustee of colored school, and who shall be over 21 years of age, and who has been a resident of the subdistrict for which he is elected, for sixty days before the election, and who is able to read and write, and only white male persons over 21 years of age, who shall have resided in a school sub-district for sixty days next, before an election, shall have the right to vote for trustees, and only white voters shall vote for white trustees, and only colored voters shall vote for colored trustees.

All elections for school trustees shall be by ballot. Said ballot shall contain no emblem nor device of any kind by which it may be indentified or known, and the ballot shall be printed and furnished by the

county clerk of each county, and paid out of the county levy. But said ballot shall provide blank spaces whereby such electors may vote for or elect another than those whose names are printed upon such ballot.

All nominations for school trustees shall be by petition signed by at least ten persons eligible to vote in elections for such trustees, and no name shall be placed upon any ballot unless such nominating petition is filed with the county clerk of the county in which such election is held at least ten days prior to the date of such election. The officers of said election shall be a clerk and two judges, and shall be appointed by the regular election commissioners in each county and shall receive no compensation for their services. The said officers shall be the judges of the qualifications of each voter as prescribed in this act, and shall certify the returns of the election to the county superintendent of schools within five days after said election.

Mr. Southall offered the following amendment to said bill by way of substitute therefor.

Said substitute reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled, "An act for the government and regulation of the common schools of this State," approved March 24, 1908, be and the same is amended as follows:

That Section 3 of said act be repealed and the following be enacted in lieu thereof.

§ 3. On the first Saturday in August after the passage of this act an election shall be held at the school building in each school subdistrict in this Commonwealth from the hours of one until five o'clock

in the afternoon for the purpose of electing one trustee for each sub-district as fixed by Section 2 of this act. The trustees then elected shall hold their offices one half for one year and one half for two years as shall be determined by lot at the first meeting of the Division Board as provided in Section 4 of this act. Each year thereafter there shall be elected for two years one trustee in each sub-district in which the term of his predecessor in office will then expire. Said trustees shall serve until their successors are duly elected or appointed and qualified as herein provided.

Any person shall be eligible to this office of school trustee who is over twenty one years of age and who has been a resident of the sub-district for which he is elected for sixty days before the election and who is able to read and write as shown by a certificate of five reputable citizens of the sub-district and all male persons over twenty one years of age who shall have resided in a school sub-division for sixty days next before an election shall have the right to vote at such election.

All elections for school trustees shall be by ballot. Said ballot shall contain no emblem nor device of any kind by which it may be identified or known and the ballot shall be printed and furnished by the County Clerk of each county. But said ballot shall provide blank spaces whereby such electors may vote for or elect another than those whose names are printed upon said ballot. All nominations for school trustees shall be by petition signed by at least ten persons eligible to vote in elections for such trustees and no name shall be placed upon any ballot unless such nominating petition is filed with the County Clerk of the county in which such election is held at least ten days prior to the date of such election. The officers of said election shall be a Clerk and two Judges and shall be apopinted by the regular Election Commissioners in each county and shall receive no compensation for their services. The said officers shall be the judges of the quali-

fications of each voter as prescribed in this act and shall certify the returns of the election to the County Superintendent of Schools within five days after said election. At the same time and place and by the election officers who conduct the election for sub-district trustees an election shall be held for the purpose of electing a visitor for the colored school or schools of the sub-district. Such visitor shall be nominated and elected in the same manner as the sub-district trustee save that the nominating petition shall be signed by colored voters and that colored voters alone shall be eligible to vote for such visitor. So far as the colored school or schools of the sub-district are concerned the duties of the visitor shall be identical with those of the sub-district trustee save that such visitor shall not be a member of the Division Board.

Mr. Duffy offered the following amendment to said substitute:

Amend by striking out "one trustee" and inserting "three trustees" and also by abolishing the Division Board.

Said amendment was disagreed to.

Said substitute was then agreed to.

Ordered that said bill as amended by the substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
R. C. Hill,
John W. Holland,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
Marion F. Pogue,
J. F. Porter,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. R. Whitlow,
L. F. Withers,
—66

Those who voted in the negative were—

W. D. Allbright,
L. H. Francies, —2

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled.

H. B. 186. An act to further regulate certain kinds of insurance business and providing penalties for its violation.

Said bill is as follows, viz:

AN ACT to further regulate certain kinds of insurance business and providing penalties for its violation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The kinds of insurance regulated by this act are fire, fire and marine, tornado, hail, rent, accident, health, casualty, liability, boiler, fly-wheel, profits, credits, elevator, disability, plate glass, burglary, bonding, title, surety and fidelity insurance; and wherever the term "insurance company" is used herein, it applies to any person or combination of persons, natural or artificial, making one or more of said kinds of insurance. And wherever the term "agent" or "insurance agent" is used herein, it applies to any person, or combination of persons, natural or artificial, acting as agent for any such insurance company.

§ 2. No insurance company authorized by this State to do business therein shall make any contract of insurance on any person residing, or property located, in this State, except through the agency of some agent residing within this State, regularly commissioned by such company and legally licensed by the Insurance Commissioner of Kentucky as such agent. Nor shall any such contract be delivered to the insured until a record of all, except the printed portion thereof, shall be made in the office of such resident Kentucky agent. Provided, however, that nothing herein contained shall be construed to prevent a company organized under the laws of this State from writing insurance upon persons or property in this State, through its officers or agents residing in this State; nor shall it apply to the property of railroad companies and other common carriers transacting interstate business, where such property is insured under a schedule covering any more than one State.

§ 3. Before a certificate of license or renewal thereof shall be issued to any insurance company, authorizing it to transact business in this State, the Insurance Commissioner shall require in every case, in addition to all the other requirements now provided by law, that the company seeking license shall file with him a written statement signed and sworn to by its president, vice-president, secretary, manager or general agent, resident within the United States, in such form and detail as shall be prescribed by the Insurance Commissioner, to the effect that it has not violated, and that it will not violate, any of the provisions of this act.

§ 4. No insurance agent, licensed by the Insurance Commissioner to act as such, shall make any compensation, or give any valuable consideration, of any kind whatsoever, directly or indirectly, on account of any insurance upon any person residing, or property located, in this State, to any person or combination of persons, natural or artificial, that is a non-resident of Kentucky, or to any other than an insurance agent legally authorized and licensed as such by the Insurance Commissioner of Kentucky.

§ 5. Nothing herein shall be construed as preventing a person residing in Kentucky, or owning property located therein, from securing insurance outside of Kentucky upon such property, or upon his own person, from an insurance company which is not authorized to do business in Kentucky; nor as repealing or affecting Section 698 of the Kentucky Statutes giving the Insurance Commissioner authority under certain conditions to issue licenses to citizens of this State, permitting them to procure policies of fire insurance on property in this State in foreign insurance companies not authorized to transact business in this State.

§ 6. Any insurance company or agent violating any of the provisions contained in the foregoing sections of this act shall be guilty of a misdemeanor and be fined the sum of one hundred dollars ($100)

for each contract of insurance made or procured in violation thereof up to the time of the finding of an indictment or the institution of a penal action for the recovery of a fine, or fines, hereunder, which may be either in the Franklin Circuit Court, or the Circuit Court of the county where the person or property insured in violation hereof resides or is located, or of the county where the offending company, or agent, resides or has its or his principal place of business in this State. And any such indictment or penal action may be for all offenses theretofore committed hereunder by the defendant. If after the finding of any such indictment, or institutions of such action, the defendant therein shall violate the provisions of the foregoing sections of this act, the Insurance Commissioner of this State shall revoke its or his license to do business in this State, as to such company or agent, as the case may be, for a period of three months for the first of such offenses, and for a period of one year for any such subsequent offenses.

§ 7. Whenever the Insurance Commissioner shall have knowledge or information, or shall receive notice of any violation of any of the provisions of this act, it shall be his duty to immediately investigate, or cause to be investigated, any such alleged violation, and to that end he shall have power to summon before him at his office in Frankfort, Kentucky, or wherever else he may designate, any person or persons, and to administer oaths and examine such person, or persons, on any matter pertaining to the subject of his investigation, and he shall have power to send for books and papers and other records, or to examine the same at the office of the company or agent under investigation, whether such office be in this State or elsewhere; all of which examination and investigations shall be at the expense of the company or agent being investigated. A failure or refusal on the part of any company or agent to submit its or his records and papers for examination, or the refusal of any person to appear before the Commissioner or answer under oath any question addressed to him by the Commissioner in the course of such investigation, shall be a misde-

meanor, punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), recoverable in the Franklin Circuit Court, or the Circuit Court of the county in which the examination is being made, or attempted, at the time of the commission of the offense, or in the Circuit Court of the county in which the company or agent under investigation resides or has its or his principal place of business in this State; and such refusal shall authorize the Insurance Commissioner to revoke the license of any company or agent thus offending for a period of not less than three months nor more than one year.

Mr. Akin offered the following amendment to said bill:

Amend by adding after word "State" at the end of Section 5 the words "this act shall not apply to companies writing insurance on farm property in this State."

Said amendment was agreed to.

Mr. Graves offered the following amendment to said bill:

Amend by adding to Section 7 the following words, viz:

"Provided, that this act shall not be construed as affecting fraternal societies or orders that issues to its members benefit certificates or policies of insurance."

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
Albert J. Counts,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
R. C. Hill,
John W. Holland,
R. Dillard Hunter,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
J. R. Zimmerman.
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Those who voted in the negative were—

S. M. Carson, W. G. Keen, —2

Resolved that the title thereof be as aforesaid.

Mr. Graves moved to reconsider the vote by which said bill was passed and that said motion lie upon the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 45. An act to amend Section 625, Kentucky Statutes, relating to insurance companies.

Mr. Graves moved that said bill be recommitted to the Committee on Insurance.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled.

H. B. 31. An act designating the twelfth day of October of each year a legal holiday to be known as Columbus Day.

Said bill is as follows, viz:

AN ACT designating the 12th day of October of each year a legal holiday, to be known as "Columbus Day."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the 12th day of October, of the year 1910, and the 12th day of October of each year thereafter is hereby declared a legal holiday, to be known as "Columbus Day" and the same shall be recognized, classed and treated as other legal holidays under the laws of this State.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	Marion F. Pogue,
W. D. Allbright,	F. E. Graves,	J. F. Porter,
J. W. Berkshire,	Harris, Robt. L.	W. Price,
P. W. Berkshire,	L. B. Herrington,	L. R. Ray,
Eli Berry,	R. C. Hill,	Geo. W. Reid,
J. O. Bogie,	John W. Holland,	H. T. Rich,
V. A. Bradley,	R. Dillard Hunter,	J. F. Richardson,
O. Houston Brooks,	O. M. Kelsey,	Farris Roberts, Jr.
Frank J. Brown,	Wm. F. Klair,	Samuel L. Robertson,
J. T. Buford,	H. L. Lewis,	H. A. Schoberth,
L. H. Carter,	J. H. McWaters,	S. A. Shanklin,
W. G. Caudill,	Don G. McVean,	W. H. Shanks,
J. P. Chinn,	Frank S. Moore,	W. L. Shearer,
Henry Chunn,	H. J. Meyers,	J. J. Taylor,
Sidney G. Clay,	Ben E. Niles,	E. E. Trivette,
M. C. Colson,	W. H. Newell,	Edward A. Weber,
Albert J. Counts,	L. C. Owings,	W. F. Welch,
C. F. Crecelius,	W. V. Perry,	W. R. Whitlow,
Wm. S. Dean,	John C. Pirtle,	J. H. Williams,
H. C. Duffy,	W. F. Pitman,	L. F. Withers,
G. G. Frazier,		

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Those who voted in the negative were—

T. M. Bertram,	Hite Huffaker,	J. T. Riherd,
S. M. Carson,	W. G. Keen,	S. C. Roberts,
J. R. Claypool,	J. H. Lackey,	S. M. Russell,
Z. T. Coleman,	C. C. Patrick,	W. H. Southall, Jr.,
L. H. Francies,	J. W. Perry,	J. W. Turner,
Chas. W. Fulton,	R. A. Read,	

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 204. An act to display the United States Flag on schoolhouses.

Said bill is as follows, viz:

AN ACT to display the United States flag on school houses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The school authorities of every school district in the State may provide for each school-house in which public schools are maintained, a United States flag of silk or bunting not less than four feet in length, and require the same to be displayed on the school building or grounds every school day when the weather permits.

Mr. Brooks offered the following amendment to said bill:

Amend by substituting the word "shall" for the word "may."

Said amendment was disagreed to.

Mr. Owings offered the following amendment to said bill:

Amendment—That flag shall be placed on all buildings where the common school education is taught.

Said amendment was agreed to.

Mr. Holland offered the following amendment to said bill:

Strike out the words "not less than four feet in length" in lines three and four and insert in lieu thereof the words "of any size."

Said amendment was disagreed to.

Mr. Taylor offered the following amendment to said bill:

Amend by striking out the words "school authorities" and insert in lieu thereof the words "school teacher."

Said amendment was disagreed to.

Mr. Schoberth moved that the session be extended until the matter under consideration was disposed of.

Mr. Waggoner moved to amend said motion by substituting therefor the following:

That this session be extended until 2:30 o'clock this afternoon.

Said amendment was agreed to.

Said motion as amended was agreed to.

Ordered that said bill be engrossed and read the third time.

Mr. Clay moved the previous question.

The Speaker announced "Shall the main question be now put?"

The question being taken thereon it was decided in the affirmative.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title.

Mr. Klair moved that the House do now adjourn until to-morrow morning at 10:10 o'clock.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Klair and Newell were as follows, viz:

Those who voted in the affirmative were—

Frank J. Brown,	L. C. Owings,	W. R. Whitlow,
H. C. Duffy,	W. H. Newell,	Edward A. Weber,
John W. Holland,	J. F. Porter,	E. E. Trivette,
Don G. McVean,	Samuel L. Robertson,	—11

Those who voted in the negative were—

R. H. Akin,	G. G. Frazier,	L. R. Ray,
J. W. Berkshire,	Harris, Robt. L.	R. A. Read,
P. W. Berkshire,	L. B. Herrington,	H. T. Rich,
Eli Berry,	R. Dillard Hunter,	J. F. Richardson,
T. M. Bertram,	S. B. Johnson,	Farris Roberts, Jr.,
V. A. Bradley,	W. G. Keen,	S. C. Roberts,
O. Houston Brooks,	O. M. Kelsey,	S. M. Russell,
J. T. Buford,	Wm. F. Klair,	H. A. Schoberth,
S. M. Carson,	J. H. Lackey,	S. A. Shanklin,
W. G. Caudill,	J. H. McWaters,	W. H. Shanks,
Henry Chunn,	H. J. Meyers,	W. L. Shearer,
Sidney G. Clay,	Ben E. Niles,	W. H. Southall, Jr.,
Z. T. Coleman,	C. C. Patrick,	J. J. Taylor,
M. G. Colson,	W. V. Perry,	J. W. Turner,
Albert J. Counts,	John C. Pirtle,	Geo. C. Waggoner,
C. F. Crecelius,	Marion F. Pogue,	W. F. Welch,
Wm. S. Dean,	A. H. Points,	L. F. Withers,
L. H. Francies,	W. Price,	

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Mr. Shanks moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was disagreed to.

The question being taken on the passage of said bill it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	Wm. S. Dean,	W. Price,
J. W. Berkshire,	L. H. Francies,	R. A. Read,
Eli Berry,	F. E. Graves,	Geo. W. Reid,
T. M. Bertram,	Harris, Robt. L.	H. T. Rich,
J. O. Bogie,	L. B. Herrington,	J. F. Richardson,

V. A. Bradley,	Hite Huffaker,	Farris Roberts, Jr.,
O. Houston Brooks,	R. Dillard Hunter,	Samuel L. Robertson,
J. T. Buford,	S. B. Johnson,	S. M. Russell,
S. M. Carson,	Wm. F. Klair,	H. A. Schoberth,
L. H. Carter,	J. H. Lackey,	S. A. Shanklin,
W. G. Caudill,	H. L. Lewis,	W. L. Shearer,
J. P. Chinn,	Don G. McVean,	J. J. Taylor,
Sidney G. Clay,	Ben E. Niles,	E. E. Trivette,
J. R . Claypool,	W. H. Newell,	J. W. Turner,
Z. T. Coleman,	L. C. Owings,	Geo. C. Waggoner,
M. G. Colson,	W. V. Perry,	Edward A. Weber,
Albert J. Counts,	John C. Pirtle,	W. F. Welch,
C. F. Crecelius,	Marion F. Pogue,	J. H. Williams,

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Those who voted in the negative were—

R. H. Akin,	John W. Holland,	J. F. Porter,
P. W. Berkshire,	O. M. Kelsey,	L. R. Ray,
Frank J. Brown,	J. H. McWaters,	J. T. Riherd,
Henry Chunn,	Frank S. Moore,	S. C. Roberts,
H. C. Duffy,	C. C. Patrick,	W. H. Shanks,
G. G. Frazier,	J. W. Perry,	W. R. Whitlow,
Chas. W. Fulton,	W. F. Pitman,	L. F. Withers,
T. D. Graham,		

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Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Niles moved that the House do now adjourn.

Said motion was agreed to.

TUESDAY, FEBRUARY 15, 1910.

The House was opened with prayer by the Rev. M. B. Adams, of the First Baptist Church of Frankfort.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. J. W. Perry offered the following resolution, viz:

Whereas, it has come to the knowledge of this body that within the last two years there has occurred several explosions of mines and many fallings in of slate and stone in the coal mines being operated in this State whereby and in consequence of which the lives of many miners working in and engaged at mines have lost their lives and many others have been permanently injured for life, therefore,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky that the Chief Mine Inspector of this State be and he is hereby requested to at once as speedily as may be done furnish to this House the number of explosions in mines which have occurred within said time.

And the cause or causes of same who if any one is at fault in the premises whether or not it is attributable to the negligence or carelessness of the miners, mine owners or any one else or whether it happened from natural causes and to suggest to this body a remedy therefor. Also the number of lives lost and persons injured by reason of such explosions, fallings in of slate, stone and so forth.

And to sufifiest a remedy for such sad and heart rending hap-

penings and whether or not a more thorough system of ventilization in the opinion of the Chief Mine Inspector would tend to prevent the same and whether or not any person or persons have by him been found to be direlect in duty in reference to mine inspection or operations.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

1. S. B. 13. An act changing and fixing the time for holding courts in the Thirty-second Judicial District of Kentucky.

2. S. B. 41. An act designating electrocution as the means of inflicting the death sentence.

3. S. B. 89. An act to provide for the punishment of persons responsible for, or directly promoting or contributing to, the conditions that render a child dependent, neglected or delinquent.

4. S. B. 90. An act to amend an act entitled, "An act concerning juries and entitled "Juries," approved March 19, 1894.

5. S. B. 98. An act to amend an act entitled, "An act to create the Thirty-third Judicial District of Kentucky and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for holding of courts in the said Twenty-sixth, Twenty-seventh and Twenty-eighth and Thirty-third districts and to provide for Judges and Commonwealth's Attorneys for same.

6. S. B. 144. An act to amend Section 1896 of the Kentucky Statutes relating to the destruction of fish by guns loaded with steel balls and copper jackets.

7. S. B. 165. An act to amend Section 2317, Kentucky Statutes relating to lien of landlord.

8. S. B. 198. An act to amend an act entitled, "An act to encourage the establishment and maintenance by private contribution of sanatoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis commonly known as consumption, and to make an appropriation to assist such sanatoria as may be already established," approved March 26, 1908, and to provide a further appropriation for the purpose of said act.

Ordered that said bills be printed and referred,

1 and 5. To the Committee on Circuit Courts.

2 and 4. To the Committee on Judiciary.

3. To the Committee on Municipalities.

6. To the Committee on Fish and Game.

7. To the Committee on Kentucky Statutes.

8. To the Committee on Tuberculosis.

Mr. Pirtle offered the following resolution, viz:

Whereas the excellent member from the county of Larue, Doctor R. H. Moss, has been called to the bedside of his son who is seriously ill in Oklahoma, therefore,

Be it resolved, That he be granted leave of absence for indefinite time and that the sympathy of this House is hereby tendered to him.

Said resolution was adopted.

By unanimous consent of the House bills were introduced,

ordered printed and referred as follows, viz:

By Mr. J. W. Perry:

H. B. 458. An act to repeal Sections 2, 4, 5 and 6 of an act entitled, "An act to incorporate the Licking River Lumber and Mining Company," approved January 25, 1868.

To the Committee on Kentucky Statutes.

By Mr. Keen:

H. B. 459. An act to create the office of Assistant Commonwealth's Attorney in Districts embracing not less than six counties.

To the Committee on Circuit Courts.

By Mr. Faris Roberts, Jr.:

H. B. 463. An act to amend Article 1, Section 4364, Kentucky Statutes, Carroll's edition, 1909, entitled, "An act to provide for a more efficient system of common schools throughout the State.

To the Committee on Education No. 1.

By Mr. Colson:

H. B. 464. An act to provide for the increase efficiency of the common schools, to secure better teachers therefor and to induce men and women to enter and remain in the profession of teaching.

To the Committee on Education No. 1.

By same:

H. B. 465. An act to divide the State of Kentucky into one hundred representative districts.

To the Committee on Redistricting—Legislative.

By Mr. Welch:

H. B. 466. An act to protect infants and to punish certain forgeries and to prevent effectually certain forms of gambling.

To the Committee on Criminal Law.

By Mr. Robertson:

H. B. 467. An act to authorize the coroner of a county containing a city of the First Class to appoint a deputy.

To the Committee on Municipalities.

By same:

H. B. 468. An act to amend and re-enact Sections 2241 and 2242 of the Kentucky Statutes.

To the Committee on Municipalities.

The committees which had originated the same reported bills of the following titles, viz:

By Mr. Carter of the Committee on Education No. 1:

H. B. 460. An act to provide for the teaching of the elements of agriculture in the public schools of this Commonwealth.

By same:

H. B. 461. An act to provide for a more efficient system of common schools throughout the State; to create County Boards of Education and to provide for the government and regulation of the common schools.

By Mr. Hines of the Committee on Corporate Institutions:

H. B. 462. An act to amend Section 40087, Kentucky Statutes, Carroll's edition, 1903.

Said bills were severally read the first time at length, ordered to be printed and placed on the calendar.

The committee to which the same had been referred reported bills of the following titles, viz:

By Mr. Southall of the Committee on Charitable Institutions:

H. B. 354. An act for the benefit of the House for Incurables.

With an amendment thereto.

By Mr. Huffaker of the Committee on Codes of Practice:

S. B. 77. An act to repeal Section 1136, Chapter 36 of the Kentucky Statutes and to substitute therefor.

By Mr. Graves of the Committee on Criminal Law:

H. B. 225. An act to make it unlawful to give a check that is not paid when presented for payment or to make same good upon demand and to provide a punishment therefor.

With an amendment thereto.

By same:

H. B. 307. An act to amend Chapter 58 of the Kentucky Statutes.

With an amendment thereto.

By same:

H. B. 363. An act prohibiting shooting, discharging and firing of guns of long range and loaded with high explosives.

With an amendment thereto.

By same:

H. B. 385. An act relating to fire escapes.

By same:

H. B. 305. An act defining and punishing conspiracies.

By same:

H. B. 185. An act making the act of wife meating a misdemeanor and inflicting punishment therefor.

With an amendment thereto by way of substitute therefor.

By Mr. Frazier of the Committee on Cities of the Fifth and Sixth Class:

H. B. 288. An act regulating cities of the Sixth Class.

By same:

H. B. 228. An act to amend and re-enact Section 3612 of the Kentucky Statutes the same being a part of the Charter of cities of the Fifth Class, the same being an act approved July 3, 1893, to give the right of appeal in cases arising out of remonstrances against annexation or reduction of territory to the boundaries of cities of the Fifth Class.

By same:

H. B. 227. An act to amend Section 3628 of Kentucky Statutes Carroll's edition 1903, defining the duties and authorities of City Attorneys of cities of the Fifth Class.

By same:

H. B. 343. An act to repeal the Charter of the town of Boston Station, Pendleton County.

By same:

H. B. 279. An act to amend and re-enact Section 3643 of the Kentucky Statutes relating to cities of the Fifth Class.

By Mr. Pogue of the Committee on Education No. 1.

H. B. 139. An act to require dental hygiene to be taught in all schools supported in whole or in part by the State.

With an amendment thereto.

By Mr. Littrell of the Committee on Education No. 2:

H. B. 373. An act to provide for the appointment of trustees for county academies and seminaries.

By same:

H. B. 220. An act establishing the State Board of Education and defining the powers and duties thereof.

With an amendment thereto by way of substitute therefor.

By Mr. Zimmerman of the Committee on County and City Courts:

H. B. 260. An act relating to weights, measures and balances and the appointment of an Inspector of weights and measures for counties.

By Mr. Shanks of the Committee on Judiciary.

S. Res. 9. Resolution providing for the adoption of the legislative digest as the official publication of this General Assembly and to

purchase copies of same for the members of the General Assembly and certain officials.

By same:

H. B. 304. An act to amend Section 3264 of the Kentucky Statutes being a part of the Charter of cities of the Third Class.

By same:

H. B. 303. An act to limit the power of cities of the Third Class and towns to sell, convey, lease or mortgage any water works system or lighting system or income thereof.

By Mr. Klair of the Committee on Municipalities.

H. B. 370. An act to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3100, 3101 and 3102 of the Statutes of Kentucky relating to the control and improvement of streets, public ways, landings, wharves, grounds and sidewalks in cities of the Second Class.

By same:

H. B. 102. An act to amend Chapter 89, Article 3, Section 3065 of the Kentucky Statutes.

By same:

H. B. 415. An act to amend Section 1884 of Chapter 52 of the Kentucky Statutes Carroll's edition of 1909, entitled "Fiscal Courts," so far as the same applies to counties containing a city of the First Class.

By same:

H. B. 382. An act to amend Chapter 108 of the Kentucky Statutes of 1909 compiled by John D. Carroll.

By same:

H. B. 420. An act to amend Section 1835, Kentucky Statutes so far as same pertains to counties containing cities of the First Class.

By Mr. Meyers of same Committee:

S. B. 129. An act to amend the school laws and create Boards of Education and to define their duties in cities of the First Class.

By Mr. Newell of the same Committee:

H. B. 438. An act to amend and re-enact Section 9 of an act relating to public parks in cities of the Second Class approved March 5, 1906, entitled, "An act to amend an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky, approved March 19, 1894." Printed as Chapter 15 of the acts of 1906.

By Mr. Ray of the Committee on Printing:

H. B. 371. An act to provide for the establisment, operation and control of a Public Printery and Bindery.

By Mr. Waggoner of the Committee on Public Morals:

H. B. 215. An act to further regulate the sale of intoxicating liquors in this Commonwealth.

By same:

H. B. 213. An act to prohibit the sale, use and distributon of cigarettes, cigarette paper or any substitute therefor.

With an amendment thereto.

By Mr. Owings, of the Committee on Public Roads and Highways:

H. B. 423. An act to amend Section 4748 B, Sub-section 5, Carroll's edition of the Kentucky Statutes of 1909, entitled "Fiscal Courts," to acquire roads, of proposition carries—tax levied and disposition thereof.

By Mr. Porter of the Committee on Railroads:

H. B. 154. An act to authorize any railroad company operating a railroad in this State to transport passengers, baggage and freight carried by it on its railroad across any stream within the limits of or bordering upon this State; and authorizing any such railroad company to obtain a franchise for the carrying on of a general ferry business.

Said bills and resolution were severally read the first time at length and ordered to be placed on the Calendar.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass.

By Mr. Graves of the Committee on Criminal Law:

H. B. 298. An act to amend Section 1115 of the Kentucky Statutes.

By same:

H. B. 339. An act to amend and re-enact Section 1309 of the Kentucky Statutes in regard to carrying concealed weapons and providing a license for same said license to go to the benefit of the county road.

By same:

H. B. 211. An act to prevent house breaking and punishment for same.

By Mr. Hunter of the Committee on Internal Improvements.

H. B. 80. An act to provide for the cutting of weeds on property abutting public highways.

By Mr. Zimmerman of the Committee on County and City Courts:

H. B. 379. An act to abolish the office of assessor and to provide for the taking of assessment of property by Justices of the Peace in their respective magisterial districts.

By same:

H. B. 248. An act to amend Section 1845, Article 1, Chapter 52, Kentucky Statutes relating to the compensation of members of the Fiscal Court.

By Mr. Meyers of the Committee on Municipalities:

H. B. 235. An act to amend and re-enact Section 3043 of Kentucky Statutes relating to Second Class Cities.

By Mr. Newell of the same Committee:

H. B. 100. An act to provide for conducting the law business of Second Class Cities.

The question being severally taken on ordering said bills to a reading, the opinion of the Committee to the contrary notwithstanding, it was decided in the negative.

And so said bills were severally rejected.

Mr. Porter of the Committee on Railroads, to which the same had been referred reported a bill entitled,

H. B. 176. An act concerning railroad locomotives and headlights for same.

With the expression of opinion that said bill ought not to pass.

Said bill is as follows, viz:

AN ACT entitled an act concerning Railroad Locomotives and headlight for them.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of every railroad corporation, or receiver, or lessee thereof, operating any line of railroad in this State, within ten months after the passage of this act, or within such additional time as may be prescribed by order of the Railroad Commission of Kentucky, after a proper showing of their inability to comply by the railroad has been made, to equip all locomotive engines used in the transportation of trains over said railroad with electric headlights of not less than 1,500 candle-power, measured without the aid of a reflector or other headlights of not less than 1,500 candle-power, measured without the aid of a reflector; provided, that this act shall not apply to locomotive engines regularly used in the switching of cars or trains.

§ 2. Any railroad company, or the receiver or lessee thereof, doing business in the State of Kentucky, which shall violate the provisions of this act shall be liable to the State of Kentucky for a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense, and such penalties shall be recovered and suit brought in the name of the State of Kentucky, in a court of proper jurisdiction in Franklin County, Kentucky, or in any county in or through which such line of railroad may run, by the Attorney General, or by the county or district attorney in any county, in or through which such line of railroad may be operated.

The question being taken on ordering said bill to a reading, the

opinion of the committee to the contrary notwithstanding, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Williams and Coleman were as follows, viz:

Those who voted in the affirmative were—

J. M. Blair,
S. M. Carson,
Henry Chunn,
S. F. Crabtree,
G. G. Frazier,
Chas. W. Fulton,
Harris, Robt. L.
L. B. Herrington,
John W. Holland,
R. Dillard Hunter,
H. L. Lewis,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
A. H. Points,
L. R. Ray,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
W. H. Shanks,
John S. Steers,
Geo. C. Waggoner,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman.
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Those who voted in the negative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. O. Bogie,
V. A. Bradley,
J. T. Buford,
W. G. Caudill,
J. P. Chinn,
J. R . Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Samuel D. Hines,
Hite Huffaker,
S. B. Johnson,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
S. P. Parks,
W. F. Pitman,
J. F. Porter,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
Farris Roberts, Jr.,
Samuel L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. L. Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
W. R. Whitlow,
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The hour of 1.30 o'clock p. m. having arrived the House stood adjourned.

WEDNESDAY, FEBRUARY 16, 1910.

The House was opened with prayer by the Rev. M. B. Adams of the First Baptist Church of Frankfort.

The reading of the journal of yesterday's proceedings was dispensed with.

Mr. Crecelius presented the petition of sundry citizens of Pendleton County protesting against the passage of H. B. 277.

Which was received, its reading dispensed with and referred to the Committee on Public Health.

Mr. Steers presented the petition of sundry citizens of Grant County asking the passage of H. B. 210.

A message was received from the Governor in writing as follows, viz:

MESSAGE OF AUGUSTUS E. WILLSON, GOVERNOR OF KENTUCKY, TO THE GENERAL ASSEMBLY OF KENTUCKY.

Transmitting the Income Tax Amendment to the Constitution of the United States, proposed by Joint Resolution of the Sixty-first Congress of the United States of America at the first session, begun and held at the city of Washington, on Monday, the fifteenth day of March one thousand nine hundred and nine.

To the Senate and House of Representatives of Kentucky.

Gentlemen:

I transmit herewith to the General Assembly the Joint Resolution of the Sixty-first Congress of the United States, at its first session, begun and held at the city of Washington, the 15th day of March, one thousand nine hundred and nine, entitled, "Joint Resolution proposing an amendment to the Constitution of the United States, which is as follows:"

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislature of three fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

J. G. Cannon, Speaker of the House of Representatives.
J. S. Sherman, Vice President of the United States and President of the Senate.

Attest:

A. McDowell, Clerk of the House of Representatives.
Charles G. Bennett, Secretary, by Henry Gilfry, Chief Clerk.

I certify that this Joint Resolution originated in the Senate.

Charles G. Bennett, Secretary,
By Henry Gilfry, Chief Clerk.

Also the official notice and letter of the Secretary of State of the United States, dated July 26, 1909, transmitting said record of said resolution of the Congress of the United States to the Governor of the State of Kentucky, with the request that I cause the same to be transmitted to the Legislature of Kentucky for such action as may be had, and that a certified copy of such action, be communicated to the Secretary of State as required by Section 205 Revised Statutes of the United States, copy of which was attached to said notice and letter of the Secretary of State, and a copy of which is herewith transmitted. The original official letter of the Secretary of State of the United States is in the office of the Secretary of State of Kentucky, but may be considered as before the Legislature of Kentucky, and the original, will, whenever it is desired, be presented in each House and delivered into its custody and may be considered now as in the custody of each House for the purpose of its proper consideration and the decision of the Legislature.

Augustus E. Willson,

Governor of Kentucky.

Feb. 16, 1910.

DEPARTMENT OF STATE.

Washington, July 26, 1909.

His Excellency,

The Governor of the State of Kentucky.

Sir:

I have the honor to enclose a certified copy of a Resolution of Congress, entitled "Joint Resolution Proposing an amendment to the Constitution of the United States," with the request that you cause

the same to be transmitted to the Legislature of your State for such action as may be had, and that a certified copy of such action be communicated to the Secretary of State, as required by Section 205, Revised Statutes of the United States. (See overleaf.)

An acknowledgment of the receipt of this communication is requested.

I have the honor to be, Sir,

Your obedient servant,

P. C. Knox.

(The following is copy of overleaf referred to above.)

Section 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificates, specifying the States by which same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.—Revised Statutes, 1878.

S. J. Res. 40.

SIXTY-FIRST CONGRESS OF THE UNITED STATES OF AMERICA; AT THE FIRST SESSION.

Begun and held at the city of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine.

JOINT RESOLUTION.

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). The following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

J. G. Cannon, Speaker of the House of Representatives.

J. S. Sherman, Vice President of the United States and President of the Senate.

Attest:

A. McDowell, Clerk, House of Representatives.
Charles G. Bennett, Secretary.
By Henry H. Gilfry, Chief Clerk.

I certify that this Joint Resolution originated in the Senate.

Charles G. Bennett, Secretary.
By Henry H. Gilfrey, Chief Clerk.

UNITED STATES OF AMERICA.
DEPARTMENT OF STATE.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I certify that the copy hereto attached is a true copy of a resolution of Congress, entitled "Joint Resolution Proposing an Amend-

ment to the Constitution of the United States," the original of which is on file in this Department.

In testimony whereof I, P. C. Knox, Secretary of State, have hereunto caused the seal of the Department of State to be affixed, and my name to be subscribed by the Chief of the Bureau of Citizenship of the said Department, at the city of Washington, this 27th day of July, 1909.

P. C. Knox, Secretary of State,

By R. W. Flournoy, Jr., Chief Bureau of Citizenship.

Which was read at length and referred to the Committee on Federal and State Constitutional Amendments.

Mr. Shanks of the Committee on Rules which had originated the same reported a bill entitled,

H. B. 469. An act to amend an act entitled "An act providing for the payment of interest on warrants issued for claims against the State of Kentucky fixing the order of payment thereof and the funds from which said warrants shall be paid," approved May the 8th, 1897, by repealing said and enacting a substitute therefor.

Said bill was read the first time at length, ordered to be printed and placed on the Calendar.

A message was received from the Senate announcing that they had passed a bill entitled,

S. B. 225. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906, and abolishing the offices of Revenue Agents from the State at large provided for therein.

Said bill was ordered to be printed and referred to the Committee on Kentucky Statutes.

Mr. Russell moved to reconsider the vote by which the House on yesterday refused to order to a reading, a bill entitled,

H. B. 176. An act concerning railroad locomotives and headlights for same.

And moved to lay said motion on the table.

Said last named motion was agreed to.

Mr. Schoberth moved that the rules be suspended, that the House take up for consideration from the Orders of the Day a bill entitled,

S. B. 24. An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the Judge shall fail to attend or if in attendance can not properly preside.

And that said bill be made the special order to the day for to-day at 11.30 o'clock a. m.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Porter and Brooks were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	L. B. Herrington,	L. R. Ray,
Eli Berry,	R. C. Hill,	Geo. W. Reid,
T. M. Bertram,	John W. Holland,	G. T. Reynolds,
J. O. Bogie,	S. B. Johnson,	J. F. Richardson,
V. A. Bradley,	W. G. Keen,	Farris Roberts, Jr.,
O. Houston Brooks,	W. T. Kenton,	S. C. Roberts,
J. T. Buford,	O. M. Kelsey,	S. M. Russell,

L. H. Carter,
Henry Chunn,
Sidney G. Clay,
J. R . Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
G. G. Frazier,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
W. V. Perry,
A. H. Points,
W. Price,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman.
—66

Those who voted in the negative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Frank J. Brown,
S. M. Carson,
W. G. Caudill,
J. P. Chinn,
Albert J. Counts,
H. C. Duffy,
L. H. Francies,
Harris, Robt. L.
S. P. Parks,
C. C. Patrick,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
J. F. Porter,
R. A. Read,
H. T. Rich,
J. T. Riherd,
W. F. Welch, —22

Mr. Niles moved that the rules be suspended, that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 78. An act to amend Chapter 21 of the Acts of 1906 entitled, "An act to amend Section 2560 of the Kentucky Statutes" it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes entitled "Liquors—intoxicating."

And that said bill be made the special order of the day for to-day at 12:30 o'clock p. m.

Said bill is as follows, viz:

AN ACT to amend Chapter 21, of the Acts of 1906, entitled "An act to Amend Section 2560, of the Kentucky Statutes," it being a portion of Article 1, of Chapter 81, of the Kentucky Statutes, entitled "Liquors Intoxicating."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. First—That Chapter 21, of the Acts of 1906, entitled "An act to amend Section 2560, of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81, of the Kentucky Statutes, entitled "Liquors, Intoxicating," be amended, by striking from subsection "a" the following words:

"Except that cities of the first second, third and fourth classes may hold an election on the same day on which an election for the entire county is held," so that said act as amended read as follows:

That Section 2560, of the Kentucky Statutes, it being a portion of Article 1, of Chapter 81, of the Kentucky Statutes, entitled "Liquors, Intoxicating," be, and the same is hereby repealed in lieu thereof, it is hereby enacted:

" 'a' No election in any town, city, district or precinct of a county shall be held, under this article on the same day on which an election for the entire county is held. When an election is held in an entire county and a majority of the legal votes cast at said election are against the sale, barter or loan of spirituous, vinous, malt or other intoxicating liquors, then it shall not be lawful to sell, barter or loan any such liquors in any portion of the county. If, at such an election for the entire county, the majority of the legal votes cast are in favor of the sale, barter or loan of any such liquors, such election shall not oper-

ate to make it legal to grant license to sell, barter or loan such liquors in any territorial division of such county from which the sale, barter or loan has been excluded by an election held under this article, or by special act, but the status of such territorial division shall remain as if no such election had been held.

" 'b' No election shall be held in any precinct under this act on the same day on which an election is held for the district or city of which the precinct is a part. If an election held for such entire district or city, the majority of legal votes cast shall be in favor of the sale, barter or loan of spirituous, vinous, malt or other liquors, then the status in the several precincts thereof shall remain as it was before said election; but if the majority should be against the sale, then the sale, barter or loan of such liquors shall be unlawful in every portion of said district or city."

Said motion of Mr. Niles was diagreed to, it failing to receive two-thirds of all the votes cast.

The yeas and nays being required thereon by Messrs. Klair and Carter were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	O. M. Kelsey,	G. T. Reynolds,
W. D. Allbright,	J. H. Lackey,	H. T. Rich,
P. W. Berkshire,	H. L. Lewis,	J. F. Richardson,
T. M. Bertram,	J. H. McWaters,	J. T. Riherd,
O. Houston Brooks,	Frank S. Moore,	Farris Roberts, Jr.,
J. T. Buford,	Ben E. Niles,	S. C. Roberts,
Henry Chunn,	S. P. Parks,	H. A. Schoberth,
J. R . Claypool,	C. C. Patrick,	S. A. Shanklin,
Z. A. Clore,	W. V. Perry,	W. H. Shanks,
Z. T. Coleman,	John C. Pirtle,	W. L. Shearer,
S. F. Crabtree,	W. F. Pitman,	John S. Steers,
C. F. Crecelius,	G. H. Plitt,	J. W. Turner,

G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
L. B. Herrington,
R. Dillard Hunter,
S. B. Johnson,
W. T. Kenton,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman.
—55

Those who voted in the negative were—

J. W. Berkshire,
Eli Berry,
J. O. Bogie,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Sidney G. Clay,
M. G. Colson,
Peter J. Cosgrove,
W. L. Craig,
H. C. Duffy,
L. H. Francies,
H. T. Gartin,
F. E. Graves,
Harris, Robt. L.
R. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
Wm. F. Klair,
L. C. Littrell,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
J. W. Perry,
W. Price,
Edward A. Weber,
—30

(For votes on similar motions, relative to said bill see House Journals of Feb. 9 and Feb. 11.)

The hour of 11.30 o'clock having arrived, the hour of the special order of the day, to-wit; a bill entitled.

S. B. 24. An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the Judge shall fail to attend or if in attendance can not properly preside.

Said bill is as follows, viz:

AN ACT to provide for holding Circuit Courts and the trial of cases therein when from any cause the judge shall fail to attend, or, if in attendance cannot properly preside.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the regular Circuit Judges of the Commonwealth of Kentucky, except those whose district embrace a city of either the first or second class, and wherein a court of continuous session is held, be and they are hereby authorized to act as Special Judges of the Circuit Courts of this Commonwealth.

§ 2. In the absence of the regular Judge of any Circuit Court in this Commonwealth, or when he cannot preside, in any particular case or cases, if the parties cannot agree upon an attorney who is present to act as Judge, and who shall receive no compensation for his services, the clerk shall at once notify the Governor, who, in turn, shall immediately notify one of the Circuit Judges mentioned above who is not then engaged in holding a regular or special term of Court in his district, and it shall be the duty of said Circuit Judge so notified by the Governor, to hold the Court, or try the case, and the Judge so notified by the Governor shall have all the powers of a regular Judge of said Court.

§ 3. It shall be the duty of the Clerk of each Circuit Court held by a Judge whose district does not embrace a city of the first or second class, wherein a Court of continuous session is held, to notify the Governor in writing immediately upon the final adjournment of each regular or special term of his Court and also of the time when the next regular or special term to be held by said Circuit Judge shall begin, and it shall be the duty of the Governor to keep a roster of said Circuit Judges showing when each of them is not engaged in holding a regular or special term of Court in his district, and the Governor in so notifying the Circuit Judges of their selection to hold any such Court or to try any case, shall do so in such manner as to divide such Special Judge work as equally as practicable between all

the regular judges aforesaid.

§ 4. It shall be the duty of the Governor, immediately upon this act taking effect, to issue a commission to each of said Circuit Judges, commissioning them as Special Judges of this Commonwealth so long as they shall be regular judges thereof, and when any of said Judges shall preside out of his district in holding a Court or in trying a case, as provided in this act, he shall have his said commission recorded upon the Order Book of said Court. Before entering upon the discharge of his duties every Special Judge must, in addition to the oath prescribed by the Constitution, take an oath as follows:

> "I, A. B., do solemnly swear (or affirm) that I will administer justice without respect of persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as judge, according to the best of my ability."

Said oaths, together with the certificate of the officer before whom same were taken showing the date thereof, shall be endorsed in writing on his commission.

§ 5. The selection of Special Judges, the reason for such selection, and the fact that the requisite oaths have been taken, must be entered upon the order book of the Court.

§ 6. Such Special Judges shall respectively receive ten dollars per salary of twelve hundred dollars payable monthly out of the treasury.

§ 7. All laws or parts of laws in conflict herewith, and particularly 971 of the Kentucky Statutes, are hereby repealed.

Mr. Porter offered the following amendment to said bill:

Amend by striking out Section 6 and inserting in lieu thereof

the following:

§ 6. Such Special Judges shall respectively receive ten dollars per day and eight cents per mile in going to and returning from the court; but a Special Judge shall not be paid for any service as such unless he be engaged at least one day nor unless the period of his services shall be certified by an order made by the regular Judge from his own knowlege or proof heard in open Court.

Mr. Zimmerman moved that to-day's session be extended until 2.30 o'clock p. m.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Zimmerman and Herrington were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	R. Dillard Hunter,	J. F. Richardson,
V. A. Bradley,	S. B. Johnson,	J. T. Riherd,
O. Houston Brooks,	O. M. Kelsey,	S. C. Roberts,
J. T. Buford,	J. H. Lackey,	S. M. Russell,
J. P. Chinn,	H. L. Lewis,	W. H. Shanks,
Henry Chunn,	L. C. Littrell,	W. L. Shearer,
Z. A. Clore,	Hugh Mahin,	W. H. Southall, Jr.,
Z. T. Coleman,	J. H. McWaters,	John S. Steers,
Albert J. Counts,	Ben E. Niles,	Geo. C. Waggoner,
S. F. Crabtree,	W. V. Perry,	W. R. Whitlow,
C. F. Crecelius,	John C. Pirtle,	J. H. Williams,
H. C. Duffy,	W. F. Pitman,	L. F. Withers,
G. G. Frazier,	J. F. Porter,	J. R. Zimmerman.
L. B. Herrington,	Geo. W. Reid,	—41

Those who voted in the negative were—

W. D. Allbright,	H. T. Garun,	W. H. Newell.
J. W. Berkshire,	T. D. Graham,	S. P. Parks,

Eli Berry,
J. O. Bogie,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Sidney G. Clay,
J. R. Claypool,
M. G. Colson,
Peter J. Cosgrove,
W. L. Craig,
L. H. Francies,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
W. G. Keen,
W. T. Kenton,
Wm. F. Klair,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
J. W. Perry,
A. H. Points,
W. Price,
R. A. Read,
G. T. Reynolds,
Farris Roberts, Jr.,
S. A. Shanklin,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
W. F. Welch,
—44

Mr. Klair moved that to-day's session be extended until the bill under consideration and the consideration of the communication of the Governor with reference to H. Res. 4, be disposed of.

Said motion was agreed to.

Mr. Klair moved to reconsider the vote by which the House extended to-day's session and that said motion lie on the table.

Said motion was agreed to.

Mr. Waggoner moved the previous question.

The Speaker announced "Shall the main question be now put?"

The question being taken thereon it was decided in the negative.

The amendment as proposed by Mr. Porter was disagreed to.

The yeas and nays being required thereon by Messrs. Porter and Niles were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin, Chas. W. Fulton, J. F. Porter,

J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
W. G. Caudill,
S. F. Crabtree,
H. C. Duffy,
L. H. Francies,
O. M. Kelsey,
J. H. Lackey,
Frank S. Moore,
Ben E. Niles,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
L. R. Ray,
R. A. Read,
J. T. Riherd,
S. C. Roberts,
J. J. Taylor,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. R. Zimmerman.
—32

Those who voted in the negative were—

W. D. Allbright,
Eli Berry,
J. O. Bogie,
V. A. Bradley,
L. H. Carter,
Henry Chunn,
Sidney G. Clay,
J. R . Claypool,
Z. T. Coleman,
M. C. Colson,
Peter J. Cosgrove,
W. L. Craig,
C. F. Crecelius,
G. G. Frazier,
H. T. Gartin,
F. E. Graves,
L. B. Herrington,
R. C. Hill,
John W. Holland,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
Wm. F. Klair,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
W. V. Perry,
W. F. Pitman,
A. H. Points,
W. Price,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
Farris Roberts, Jr.,
S. M. Russell,
H. A. Schoberth,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
John S. Steers,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
J. H. Williams,
L. F. Withers,
—51

Mr. Schoberth moved the previous question.

The Speaker announced "Shall the main question be now put?"

The question being taken thereon it was decided in the affirmative. Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said

bill at length being dispensed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	L. B. Herrington,	W. F. Pitman,
Eli Berry,	R. C. Hill,	A. H. Points,
J. O. Bogie,	Samuel D. Hines,	W. Price,
V. A. Bradley,	John W. Holland,	G. T. Reynolds,
Frank J. Brown,	Hite Huffaker,	J. F. Richardson,
J. T. Buford,	R. Dillard Hunter,	Farris Roberts, Jr.,
L. H. Carter,	S. B. Johnson,	S. M. Russell,
Henry Chunn,	W. T. Kenton,	H. A. Schoberth,
Sidney G. Clay,	Wm. F. Klair,	S. A. Shanklin,
J. R . Claypool,	H. L. Lewis,	W. H. Shanks,
Z. T. Coleman,	L. C. Littrell,	W. L. Shearer,
M. G. Colson,	Hugh Mahin,	W. H. Southall, Jr.,
Peter J. Cosgrove,	Don G. McVean,	John S. Steers,
W. L. Craig,	Frank S. Moore,	J. J. Taylor,
C. F. Crecelius,	H. J. Meyers,	E. E. Trivette,
G. G. Frazier,	W. H. Newell,	Geo. C. Waggoner,
H. T. Gartin,	L. C. Owings,	Edward A. Weber,
T. D. Graham,	C. C. Patrick,	L. F. Withers,
F. E. Graves,	W. V. Perry,	—55

Those who voted in the negative were—

R. H. Akin,	Chas. W. Fulton,	J. F. Porter,
J. W. Berkshire,	O. M. Kelsey,	R. A. Read,
F. W. Berkshire,	J. H. McWaters,	Geo. W. Reid,
O. Houston Brooks,	Ben E. Niles,	J. T. Riherd,
S. M. Carson,	S. P. Parks,	S. C. Roberts,
Albert J. Counts,	J. W. Perry,	W. F. Welch,
S. F. Crabtree,	John C. Pirtle,	W. R. Whitlow,
H. C. Duffy,	G. H. Plitt,	J. H. Williams,
L. H. Francies,	Marion F. Pogue,	J. R. Zimmerman.

—27

Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House then took up for consideration a joint resolution entitled.

H. Res. 4. Resolution ratifying the 16th Amendment of the Constitution of the United States.

Together with the communication relative thereto from the private Secretary to the Governor setting forth the Governor's objections thereto.

(See House Journal Feb. 11th.)

Mr. Brooks moved that the further consideration of same be postponed until 11 o'clock on Friday next, the 18th inst.

Said motion was agreed to.

The hour of 1.30 o'clock p. m. having arrived, the House stood adjourned.

THURSDAY, FEBRUARY 17, 1910.

The House was opened with prayer by the Rev. M. B. Adams of the First Baptist Church of Frankfort.

The reading of the journal of yesterday's proceedings was dispensed with.

Upon the call of the counties and Representative Districts bills were introduced, ordered printed and referred as follows, viz:

By Mr. Parks:

H. B. 470. An act making it unlawful to buy agricultural products by weight and sell by measure.

To Committee on Agriculture.

By Mr. Zimmerman:

H. B. 471. An act to amend Section 782 of the Kentucky Statutes.

To Committee on Kentucky Statutes.

By Mr. Weber:

H. B. 472. An act to repeal in part an act entitled, "An act to amend the Charter of the Twelve Mile Turnpike Company," approved March 1, 1854, which was approved January 22, 1867, and is Chapter 1067. Amended March 15th, 1898 and is Chapter 62 of the Session Acts of 1898.

To Committee on Internal Improvements.

By same:

H. B. 473. An act to regulate turnpike companies of this Commonwealth.

To Committee on Internal Improvements.

By Mr. Counts:

H. B. 474. An act to extend first class certificates for life or good behavior of persons who have taught twenty years or longer.

To Committee on Education No. 2.

By same:

H. B. 475. An act to increase the salaries of the members of the General Assembly.

To Committee on Public Offices.

By Mr. Pogue:

H. B. 476. An act relating to the erection of State Buildings.

To Committee on State Capitol.

By Mr. Klair:

H. B. 477. An act to amend an act entitled, "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law and as same has since been amended all of which said act and amendments now appear as Article 3 of Chapter 89 of the Kentucky Statutes in John D. Carrol's edition thereof in 1909.

To Committee on Municipalities.

By Mr. Klair:

H. B. 478. An act appropriating money to refund interest paid on Auditor's warrants issued to the three State Asylums and Kentucky Institution for feeble-minded children; to pay indebtedness incurred in the erection and equipment of power plant at the Kentucky Institution for feeble-minded children; and for the construction of an adequate water system at the Central Kentucky Asylum for the Insane.

To Committee on Charitable Institutions.

By same:

H. B. 479. An act appropriating money for the erection of Hospitals for the care and isolation of tubercular patients at the Central Kentucky Asylum for the Insane and the Western Kentucky Asylum for the Insane; and for the erection of new quarters for the colored patients at the Western Kentucky Asylum for the Insane and the Eastern Kentucky Asylum for the Insane.

To Committee on Charitable Institutions.

By same:

H. B. 480. An act empowering the State Fire Marshal and other officers, upon complaint, to enter buildings or premises for purpose of investigation and demanding correction of defects for the prevention of fires.

To Committee on Insurance.

By Mr. Buford:

H. B. 481. An act authorizing electric and power companies, partnerships or individuals engaged in the business of producing or supplying electricity for the purposes of furnishing light, heat or power to the public, to contract for rights of way through, across and along the public roads, turnpikes and lands of private persons and to acquire lands necessary for power houses, sub-stations and other buildings and to condemn such rights of way or such lands when the same are not secured by contract.

To Committee on Public Utilities.

By same:

H. B. 482. An act for the benefit of the new State Capitol.

To Committee on State Capitol.

By Mr. Bogie:

H. B. 483. An act to amend and re-enact Section 1321 of the Kentucky Statutes, Chapter 36, edition of 1903, and compiled by the Hon. John D. Carroll, and relating to work upon the Sabbath day.

To Committee on Public Morals.

By Mr. Niles:

H. B. 484. An act providing that 8 hours shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth.

To Committee on Immigration and Labor.

By Mr. Turner:

H. B. 485. An act to repeal an act entitled, "An act incorporating the town of Flat Gap, Johnson Co."

To Committee on Cities of the Fifth and Sixth Classes.

H. B. 486. An act to divide the State of Kentucky into thirty-eight Senatorial Districts.

To Committee on Redistricting-Legislative.

By Mr. Francies:

H. B. 487. An act to allow volunteers fireman association pensions in the city of Louisville.

To Committee on Municipalities.

By Mr. Meyers:

H. B. 488. An act to authorize fiduciaries giving surety companies as bondsmen to pay for said bonds out of the estate in their charge.

To Committee on Judiciary.

By same:

H. B. 489. An act to amend an act for the government of cities of the Fourth Class relating to police judges.

To Committee on Cities of the Fourth Class.

By same:

H. B. 490. An act to repeal in part an act entitled, "An act to amend the Charter of the Twelve Mile Turnpike Company," approved March first, eighteen hundred and fifty four which was approved January twenty-second, eighteen hundred and sixty-seven and is Chapter one thousand and sixty-seven. Amended March fifteenth eighteen hundred and ninety-eight and is Chapter sixty-two of the session acts of eighteen hundred and ninety-eight.

To Committee on Internal Improvements.

By same:

H. B. 491. An act to create the 34th Judicial District of Kentucky and to change the 26th and 27th Circuit Court Judicial Districts and to provide for the holding of courts in the 26, 27 and 34 Judicial Districts and to provide for judges and Commonwealth's Attorneys.

To Committee on Redistricting—Judicial.

By Mr. Taylor:

H. B. 492. An act to provide for blood-hounds to be kept at each county seat in this Commonwealth if ordered by the Fiscal Court, to be paid for out of the county levy.

To Committee on Criminal Law.

By same:

H. B. 493. An act to amend Section 96 of school laws relating to duties of Division Board. Acts of 1908 of the Kentucky Statutes.

To Committee on Education No. 2.

By Mr. Bertram:

H. B. 494. An act to amend Section 1845 of the Kentucky Statutes.

To Committee on County and City Courts.

By Mr. Shanks:

H. B. 495. An act for the benefit of W. Logan Wood, Chief of Police of Danville.

To Committee on Appropriations.

By Mr. W. V. Perry:

H. B. 496. An act to amend an act entitled "An act to establish a public school in Morganfield in Union County, Kentucky," approved April 19, 1886.

To Committee on Education No. 1.

By Mr. Gartin:

H. B. 497. An act to amend and re-enact Section 4791 Kentucky Statutes, edition 1909.

To Committee on Agriculture.

By Mr. Frazier:

H. B. 498. An act to allow the Fiscal Court of McLean County to construct sewer from the court house of said county.

To Committee on Public Health.

By Mr. Withers:

H. B. 499. An act to control the sale of diseased plants to prevent the assimilation of noxious insects and fungi and to prevent the sale of trees and nursery stock not true to name.

To Committee on Criminal Law.

By Mr. Clore:

H. B. 500. An act relating to crimes and punishments; to fix penalty for a corporation, firm or person engaged in transportation of passengers to permit cars, coaches or other vehicles to become over crowded.

To Committee on Railroads.

By Mr. Hines:

H. B. 501. An act to amend sub-section 3 of Section 217a Article 1, Chapter 16, fixing salary of Secretary of Kentucky State Board of Control for charitable institutions and providing for the payment of his traveling expenses while in the discharge of his duties.

To Committee on Charitable Institutions.

The Speaker laid before the House the following communication, viz:

Commonwealth of Kentucky,
Printing Department,
J. W. Hedden, Superintendent.
Frankfort, Feb. 16, 1910.

To the House of Representatives,

Gentlemen:

In compliance with a resolution adopted by your body on Friday last, the 11th instant, we the Board of Printing Commissioners, respectfully tender the accompanying report.

Very respectfully,

F. P. JAMES,
Secy. of the Board.

Ordered that said communication and report be referred to the committee on Public Offices.

Mr. Shanks, of the committee on Rules, offered the following resolution, viz.:

Resolved: That this House beginning on Wednesday, Feb. 23, have afternoon sessions on every day of each week excepting Mondays and Saturdays; that the hours of such afternoon sessions shall begin at 3:30 o'clock P. M. and close at 5:30 o'clock P. M.; that the order of business of such afternoon sessions shall be to consider the Orders of the Day only.

Said resolution was adopted.

Mr. Duffy offered the following resolution, viz.:

H. Res. 18. Resolution requesting the Kentucky Senators and Representatives in the Congress of the United States to urge the repeal of all acts of Congress in conflict with Section 24, Act of Feb. 24, 1864.

Ordered that said resolution lie over under the rules.

A message was received from the Senate announcing that they had passed a bill of the following title, viz:

S. B. 49. An act defining public roads and providing for their establishment, regulation, construction, use and maintenance and providing for raising revenues in the counties for construction and maintenance of public roads and creating the office of County Engineer and prescribing the duties thereof.

Said bill was ordered to be printed and referred to the Committee on Public Roads and Highways.

Mr. Crecelius moved that the House take up for consideration from the Orders of the day a bill entitled,

H. B. 66. An act to amend an act entitled "An act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908.

And the same be made the special order of the day for to-morrow the 19th instant at 11 oclock.

Said motion was agreed to.

Mr. Moore moved that the House take up for consideration from the Orders of the Day bills of the following titles, viz:

S. B. 78. An act to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being article 2 of

Chapter 97 of Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole and to that end for the appointment of an Employment Agent, to define his duties and fix his compensation and to further provide for the final discharge by the said Board, of paroled prisoners who shall have been obedient to the terms of their paroles.

S. B. 79. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth which became a law March 5, 1898.

And moved that said bills be recommitted to the Committee on State Prisons and Houses of Reform.

Said motion was agreed to.

The Committees to which the same had been referred reported bills of the following titles, viz:

By Mr. W. V. Perry of the Committee on Revenue and Taxation.

H. B. 377. An act to amend Section 171 of the Constitution of Kentucky.

By same:

H. B. 376. An act to create a permanent Tax Commission, define its powers and to make appropriation of funds for its purposes.

By Mr. Buford of the Committee on State Capitol.

H. B. 356. An act to perpetuate and preserve the old State Capitol Building.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 233. An act for the purchase of additional land adjoining the new Capitol ground.

By same:

H. B. 426. An act providing for the holding of County Courts, Quarterly Courts, and Circuit Courts in the county of Wilson and assigning said county to the Judicial District for the election of Judge of the Court of Appeals and to the Judicial District for the holding of Circuit Courts and to the Representative, Senatorial and Congressional Districts to which it belongs.

By Mr. Whitlow of the Committee on State Fairs.

H. B. 153. An act appropriating money to pay for the erection of buildings and other improvements upon the State Fair ground and to purchase additional land for the use of the State Fair.

With an amendment thereto by way of substitute therefor.

By Mr. Meyers of the Committee on Suffrage and Elections.

H. B. 364. An act to further regulate registration in this Commonwealth.

By same:

H. B. 300. An act to provide additional registration days in counties where registration of voters is required and designating the Registrar.

With an amendment thereto by way of substitute therefor.

By Mr. Crecelius of the Committee on State Prisons and Houses of Reform.

S. B. 71. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth" which became a law March 5, 1898.

By same:

H. B. 452. An act for the benefit of the branch penitentiary at Eddyville, and appropriating money for the erection of necessary buildings and improvements at said branch penitentiary.

By same:

H. B. 334. An act to provide for the transportation of the remains of all convicts who die in the penal institutions of this Commonwealth when the remains are claimed or desired by the relatives of the deceased.

By Mr. Shanklin of the Committee on Agriculture.

H. B. 401. An act to establish a plant for the preparation of hog cholera serum and the distribution of the same to the farmers of the State.

By same:

H. B. 422. An act to regulate the sale of agricultural seed.

By same:

H. B. 301. An act to prevent the spread of communicable disease among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State.

Together with an amendment thereto.

By same:

H. B. 67. An act to establish a sub-experiment station in Eastern Kentucky and a like station in Western Kentucky.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 182. An act for the promotion of agriculture and horticulture among the negroes.

By same:

H. B. 273. An act to reduce the cost on repairs for farm machinery.

With an amendment thereto by way of substitute therefor.

By Mr. Mahin of the Committee on Banks and Banking.

H. B. 292. An act fixing the liability of a bank to its depositor for payment for forged or raised checks.

By same:

H. B. 293. An act to punish derogatory statements affecting banks.

With an amendment thereto.

By Mr. Hines of the Committee on Corporate Institutions.

S. B. 182. An act to further amend Section 564, Kentucky Statutes being Section 27 of an act entitled "An act providing for

the creation and regulation of private corporations," approved April 5, 1893.

By Mr. Niles of the Committee on Circuit Courts.

H. B. 184. An act giving power to certain counties to supplement the salaries of certain public officers and to ratify their action in respect thereto.

By same:

H. B. 410. An act to amend Section 965 of the Kentucky Statutes which relates to the time of holding Circuit Courts in the First Judicial District.

By same:

H. B. 89. An act providing for the taking of depositions upon interrogatories in Circuit Courts of counties having more than two hundred thousand population.

With an amendment thereto by way of substitute therefor.

Mr. Huffaker moved that the Orders of the Day be postponed in order that the call of committees for reports be continued.

Said motion was agreed to.

By Mr. Frazier of the Committee on Cities of the Fifth and Sixth Class.

H. B. 448. An act to repeal the Charter of the town of Rosewood in Muhlenburg County.

By Mr. Richardson of the Committee on Confederate Home.

H. B. 342. An act to amend an act entitled "An act for the

erection and maintenance of the Confederate Home," approved March 27, 1902, and amended March 21, 1906.

With amendments thereto.

By Mr. Williams of the Committee on Immigration and Labor.

H. B. 416. An act to amend ac act entitled, "An act to regulate child labor and to make the provisions thereof effective," approved March 18, 1908.

By same:

H. B. 418. An act relating to hours of labor and sanitary conditions to be observed in bakeries and confectionery establishments and providing a penalty.

With an amendment thereto.

By Mr. Shanks of the Committee on Judiciary.

H. B. 193. An act providing for the uniform accounting and inspection of Public Offices in Kentucky.

With amendments thereto.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

By Mr. Williams of the Committee on Immigration and Labor.

H. B. 361. An act for the benefit of owners and operators of repair shops.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading, the

opinion of the committee to the contrary notwithstanding, it was decided in the negative.

And so said bill was rejected.

Mr. Schoberth moved that the further call of committees be suspended and that the Calendar be reported.

Said motion was agreed to.

The House took up for consideration from the Calendar a joint resolution entitled,

S. Res. 9. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

Ordered that said resolution be read the second time.

Said resolution was read the second time.

Mr. Shanks moved that said resolution be recommitted to the Committee on Judiciary.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills entitled,

S. B. 77. An act to repeal Section 1136, Chapter 36 of the Kentucky Statutes and to substitute therefor.

Ordered that said bill be read the second time.

Said bill was read the second time.

Mr. Moore moved that said bill be recommitted to the Committee on State Prisons and Houses of Reform.

Said motion was agreed to.

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. 354. An act for the benefit of the House for the Incurables.

With an amendment thereto.

H. B. 225. An act to make it unlawful to give a check that is not made when presented for payment or to make same good upon demand and to provide a punishment therefor.

With an amendment thereto.

H. B. 307. An act to amend Chapter 58 of the Kentucky Statutes.

With an amendment thereto.

H. B. 363. An act prohibiting shooting, discharging and firing of guns of long range and loaded with high explosives.

With an amendment thereto.

H. B. 385. An act relating to fire-escapes.

H. B. 305. An act defining and punishing conspiracies.

H. B. 185. An act making the act of wife beating a misdemeanor and inflicting punishment therefor.

With an amendment thereto by way of substitute therefor.

H. B. 288. An act regulating cities of the Sixth Class.

H. B. 228. An act to amend and re-enact Section 3612 of the Kentucky Statutes the same being a part of the Charter of cities of the Fifth Class, the same being an act approved July 3, 1893, to give the right of appeal in cases arising out of remonstrances against annexation or reduction of territory to the boundaries of cities of the Fifth Class.

H. B. 227. An act to amend Section 3628 of Kentucky Statutes Carroll's Edition 1903, defining the duties and authorities of City Attorneys of cities of the Fifth Class.

H. B. 343. An act to repeal the Charter of the town of Boston Station, Pendleton County.

H. B. 279. An act to amend and re-enact Section 3643 of the Kentucky Statutes relating to cities of the Fifth Class.

H. B. 139. An act to require dental hygiene to be taught in all schools supported in whole or in part by the State.

With an amendment thereto.

H. B. 373. An act to provide for the appointment of trustees for county academies and seminaries.

H. B. 220. An act establishing the State Board of Education and defining the powers and duties thereof.

With an amendment thereto by way of substitute therefor.

H. B. 260. An act relating to weights, measures and balances and the appointment of an Inspector of weights and measures for counties.

H. B. 304. An act to amend Section 3264 of the Kentucky Statutes being a part of the Charter of cities of the Third Class.

H. B. 303. An act to limit the power of cities of the Third Class and towns to sell, convey, lease or mortgage any water works system or lighting system or income thereof.

H. B. 370. An act to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3100, 3101 and 3102 of the Statutes of Kentucky relating to the control and improvement of streets, public ways, landings, wharves, grounds and sidewalks in cities of the Second Class.

H. B. 102. An act to amend Chapter 89, Article 3, Section 3065 of the Kentucky Statutes.

H. B. 415. An act to amend Section 1884 of Chapter 52 of the Kentucky Statutes Carroll's Edition of 1909, entitled "Fiscal Courts," so far as the same applies to counties containing a city of the First Class.

H. B. 382. An act to amend Chapter 108 of the Kentucky Statutes of 1909 compiled by John D. Carroll.

H. B. 420. An act to amend Section 1835, Kentucky Statutes so far as same pertains to counties containing cities of the First Class.

S. B. 129. An act to amend the school laws and create Boards of Education and to define their duties in cities of the First Class.

H. B. 438. An act to amend and re-enact Section 9 of an act relating to public parks in cities of the Second Class approved March 5, 1906, entitled, "An act to amend an act entitled an act for the government of cities of the Second Class in the Commonwealth of

Kentucky, approved March 19, 1894. Printed as Chapter 15 of the acts of 1906.

H. B. 371. An act to provide for the establishment, operation and control of a Public Printer and Binder.

H. B. 215. An act to further regulate the sale of intoxicating liquors in this Commonwealth.

H. B. 213. An act to prohibit the sale, use and distribution of cigarettes, cigarette paper or any substitute therefor.

With an amendment thereto.

H. B. 423. An act to amend Section 4748 B, Sub-section 5, Carroll's edition of the Kentucky Statutes of 1909, entitled "Fiscal Courts," to acquire roads if, proposition carries—tax levied and disposition thereof.

H. B. 154. An act to authorize any railroad company operating a railroad in this State to transport passengers, baggage and freight carried by it on its railroad across any stream within the limits of or bordering upon this State; and authorizing any such railroad company to obtain a franchise for the carrying on of a general ferry business.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with said bills were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The hour of 1:30 o'clock p. m. having arrived,

The House stood adjourned.

FRIDAY, FEBRUARY 18, 1910.

The House was opened with prayer by the Rev. M. B. Adams of the First Baptist Church of Frankfort.

The reading of the journal of yesterday's proceedings was dispensed with.

The following petitions were presented, viz.:

By Mr. Kenton:

Petition of sundry members of the Nicholas County Bar of Nicholas County remonstrating against the passage of H. B. 3.

By same:

Petition of sundry citizens of Robertson County remonstrating against the passage of H. B. 277.

By Mr. Johnson:

Petition of sundry citizens of Leslie County asking the passage of a bill to change the Court Calendar for the 33d Circuit Court District of Kentucky.

Which were received, their reading dispensed with and referred,

1. To Committee on Court of Appeals.

2. To Committee on Circuit Courts.

3. To Committee on Public Health.

A message was received from the Governor in writing as follows, viz:

MESSAGE OF AUGUSTUS E. WILLSON, GOVERNOR OF KENTUCKY, TO THE GENERAL ASSEMBLY OF KENTUCKY.

February 18, 1910.

To the Senate and House of Representatives,

Gentlemen:

I have been requested to submit any suggestions that occurred to me in regard to the question of issuing bonds or Auditor's warrants for unpaid obligations of the Commonwealth. I regret to think of issuing bonds and having to pay interest on them and having to hear all the editorials and speeches which will reproach this administration for issuing bonds. I feel uncomfortable over the thought of the Auditor's warrants or "Scrip" of the State of Kentucky being hawked about and shaved like "boom-town" warrants. While I shall not feel it my duty to accept humbly any blame for the fact that more money has been appropriated than we got ready to pay or arranged to get ready to pay, I do hate for the State to be in debt, especially when it could have been avoided before and can be avoided now by a very slight raise in taxes and following the good old fashioned rule of paying as you go. The deficit is proportionately a very small amount for our State, and a slight increase in taxes for two years would wipe it out and this increase could be cut down to a very small percentage after two years to meet the increased expenses, increased salaries and new appropriations, and thus save the waste of tens of thousands of dollars of interest and save the history of the Commonwealth regret of failing to rise to the duty of the hour.

But if we are not going to pay as we go, if we are not going to levy taxes enough to pay what we vote away, it will not be well to restrict the borrowing either to bonds or to Auditor's interest-bearing warrants. It will save the State money to invite offers and have the chance to get bids from both warrant takers and bond buyers. In other words, to have two strings to our bow.

The American National Bank has offered to loan the State $500,000.00 at four per cent secured by valid four per cent bonds for that amount. Of course every bank and money lender would rather have six per cent, but we should never give it nor authorize more than four per cent on any obligations of this Commonwealth, much less ought we to have any State script or warrants bearing different rates of interest. No borrower anywhere is surer to pay than the State of Kentucky is, and gilt edge borrowers can usually get money at four per cent and gilt edge paper on the State can usually be sold for four per cent. If small warrants paid six per cent and larger ones four, all large accounts will be split in small ones, and at the end you will have all warrants bearing the highest rate of interest instead of the lowest, and it would be a very great mistake to have any difference in the interests rates on warrants. If they bear four per cent and for any particular time the discount rate is more, the four per cent will at least pay that much of the discount rate and leave the loss on any given warrant merely the difference between four per cent and the bank rate whatever it might be and so the loss on any given warrant would be very small. While some warrants last year were delayed eight or nine months in payment, the average expense of the State is a little over $6,000,000.00 a year or $500,000.00 a month, so that on the average of the year, the Treasury would reach for payment each successive $500,000.00 of past due warrants in a month, each million in two months and each two millions in four months after each warrant issued, but this is not entirely accurate because neither

the income or the outgo is regularly $500,000.00 a month. In some months the expenditures for school warrants and other expenses, have been over $1,000,000.00, for a single month, for instance last December, and again the receipts for some months go as low as $168,000.00, but for most warrants, the time of redemption would be within about four months, the average time, and the banks would be easily advised of this, and the warrants, if paid regularly without favoritism, will be desirable for the banks at the lowest rate for business paper, as they will be absolutely sure of payment with no chance of loss.

Of course the banks will get all they can and they have a right to, and they might naturally try to arrange it that they do not compete with each other and cut down the prices, but any money in the banks that is not employed had better earn four per cent from a perfectly safe customer than nothing, and most time deposits only pay three per cent and could be put in warrants without any risk to the bank and at a one per cent clear profit. When the banks examine the books of the Treasurer and understand the actual condition, they will find that there is no safer customer than the State of Kentucky and no better paper than its warrants, excepting the one fact of the uncertainty of the precise date of payment, though it will be easy to ascertain substantially when warrants generally can be paid after we know the total amount of the current deficit.

I trust the mistake will not be made of ordering the Treasurer to advertise for any warrants. It would simply be a new heavy expense for publishing advertisements, and it would be a very unfortunate thing to require him to pay warrants whenever the total money the Commonwealth of Kentucky in its Treasury rose to the altitude of $5,000.00. The current balance never should be reduced below $100,000.00, and to reduce it to that amount in any other but a government establishment, which pays expenses of $6,000,000.00

a year would be practically bankruptcy. We have salaries of Judges and State officers every where and current expenses of every description, which $5,000.00 would not begin to handle, and $100,000.00 is the very lowest balance that should at any time be kept to the credit of the State.

I recommend that the General Assembly grant authority to sell 5-20 four per cent bonds, principal and interest payable in gold, to the amount of $500,000.00, the proceeds to be used only for paying outstanding debts and past due appropriations and gifts to the schools and other beneficiaries, and that we be authorized to interest-bearing warrants at a rate of not exceeding four per cent for all unpaid obligations and gifts of the State, which shall not be paid out of the current receipts or proceeds of sales of the bonds, and that the power be given the State officers to issue either or both as the best interest of the State shall appear.

AUGUSTUS E. WILLSON,

Governor of Kentucky.

Which was read at length.

Mr. Klair moved that said communication be referred to the Committee on Rules.

Said motion was agreed to.

By unanimous consent the House took up for consideration from the Orders of the Day a bill entitled,

H. B. 3. An act for the reporting and publication of the Court of Appeals of Kentucky.

Mr. Berry moved that said bill be recommitted to the Committee on Court of Appeals.

Said motion was agreed to.

Mr. Shanks moved that the rules be suspended, that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 192. An act to create the County of Wilson.

And that the same be made the special order of the day for next Wednesday, February 23rd, at 11 o'clock.

Said motion was disagreed to.

Mr. Whitlow offered the following resolution, viz.:

Resolved by the House of Representatives that the sum of sixty-six dollars and thirty cents ($66.30) be allowed out of the contingent expenses of the House for the purpose of paying the expenses of the Committee on State Fair on their visit of inspection to Louisville; the same to be paid to the Seargent at arms of the House and the Clerk of the House is directed to certify this amount to the Auditor for payment.

Said resolution was adopted.

Mr. Pirtle offered the following resolution, viz:

Whereas it is practically impossible to secure a quorum on promiscuous call for the purpose of passing on bills and,

Whereas, great injustice may result both to the members and to the State because of such fact, therefore,

Be it resolved that the Committee on Assignment of Committee Rooms be assigned a further duty of arranging committee meetings and calling the same upon request of each chairman.

Said resolution was adopted.

Mr. Williams offered the following resolution, viz.:

Whereas, it has become apparent since the meeting of the General Assembly of Kentucky that the faculties of the various Normal Schools and of the State University have deemed it necessary to leave their post of duty and to betake themselves to Frankfort in undue haste and there remain in leisure advising, counseling and instructing the members of said General Assembly as to their said duties as to unjust appropriations, and,

Whereas, the aforesaid faculties have fully shown their excessive love for lobbying and their utter disgust for instructing the boys and girls who should be under their care, and,

Whereas, the said faculty or the members thereof have disclosed their purpose of remaining in Frankfort during the entire time of the session of this Legislature and neglecting their duties in their respective schools for which they claim the salaries notwithstanding, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky: That new faculties be selected and appointed to look after and instruct the students in each of said schools while the members of the old faculties are so diligently lobbying, harrassing and disturbing the General Assembly.

Mr. Klair moved that said resolution lie on the table.

Said motion was agreed to.

Mr. Welch offered the following resolution, viz:

H. Res. 19. Resolution providing for the adjournment of this General Assembly until Wednesday, February 23, 1910.

Be it resolved by the House of Representatives, the Senate con-

curring therein, that when the two Houses of this General Assembly adjourn to-day that it be to meet Wednesday, February 23, 1910.

Mr. Waggoner offered the following amendment to said resolution, viz:

Strike out the word "to-day" and insert in lieu thereof the word "to-morrow."

Said amendment was disagreed to.

Said resolution was agreed to.

The yeas and nays being required thereon by Messrs. Niles and Meyers were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
Eli Berry,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
L. H. Carter,
J. P. Chinn,
J. R . Claypool,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
R. C. Hill,
Samuel D. Hines,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
Wm. F. Klair,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Frank S. Moore,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. F. Porter,
W. Price,
Geo. W. Reid,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
Samuel L. Robertson,
J. J. Taylor,
E. E. Trivette,
Edward A. Weber,
W. F. Welch,
J. H. Williams,

Those who voted in the negative were—

R. H. Akin,
T. M. Bertram,
J. T. Buford,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
Z. A. Clore,
Z. T. Coleman,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. B. Herrington,
R. Dillard Hunter,
O. M. Kelsey,
J. H. Lackey,
Hugh Mahin,
Ben E. Niles,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
J. F. Porter,
L. R. Ray,
G. T. Reynolds,
H. T. Rich,
S. C. Roberts,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
Geo. C. Waggoner,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman.
Mr. Speaker,
(Geo. S. Wilson)

Mr. Graves moved to reconsider the vote by which resolution was agreed to and that said motion lie on the table.

Said last named motion was agreed to.

The yeas and nays being required thereon by Messrs. Brown and Clay were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
Eli Berry,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. P. Chinn,
J. R. Claypool,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
R. C. Hill,
Samuel D. Hines,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
Wm. F. Klair,
H. L. Lewis,
L. C. Littrell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
A. H. Points,
W. Price,
Geo. W. Reid,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
Samuel L. Robertson,
J. J. Taylor,
E. E. Trivette,

L. H. Francies,	J. H. McWaters,	Edward A. Weber,
G. G. Frazier,	Frank S. Moore,	W. F. Welch,
Chas. W. Fulton,	H. J. Meyers,	J. H. Williams,
H. T. Gartin,	W. H. Newell,	

By unanimous consent the House took up for consideration from the Orders of the Day a bill entitled,

H. B. 250. An act granting pensions to disabled, indigent Confederate soldiers.

Mr. Clore moved that said bill be made the special order of the day for to-day at 11:50 o'clock a. m.

Said motion was agreed to.

At 11 o'clock a. m.,

The House took up for consideration the special order for that hour to-wit:

The communication from the Private Secretary of the Governor relative to a Joint Resolution entitled,

H. Res. 4. Resolution ratifying the 16th amendment to the Constitution of the United States.

(See House Journal February 11th.)

Mr. Carter moved that the consideration of said communication and resolution be postponed until Wednesday next, Feby. 23, at 11:55 a. m.

Said motion was agreed to.

The House then took up for consideration for this hour to-wit: a bill entitled,

H. B. 66. An act to amend an act entitled, "An act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908.

Said bill is as follows, viz:

AN ACT to amend an act entitled "An act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That Section 3 of an act, entitled "An Act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908, be, and the same is amended, and the said act is amended by adding at the end of Section 3 thereof the following words: "And it is provided that any of such warehousemen may in such receipts agree and bind themselves to pay the person rightfully holding same and entitled thereto the value of the property described therein, in the event of loss or damage from any cause while in the possession of such warehousemen."

So that said section when amended will read as follows:

"§ 3. All warehouse receipts so issued by any corporation, company, partnership or individual, engaged in the business as above set forth, shall be negotiable and transferrable by endorsement in blank or by special endorsement, and with like liability as bills of exchange now are, and with like remedy thereon. And it is provided that any of such warehousemen may in such receipts agree and bind themselves to pay the person rightfully holding the same and entitled thereto the value of the property described therein, in the event of loss or damage from any cause while in the possession of such warehousemen."

§2. Inasmuch as the tobacco crop in this Commonwealth is

now being delivered to warehousemen, and the growers can not otherwise secure the benefit of this act, an emergency is declared to exist and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with the said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,

C. F. Crecelius,	L. C. Owings,	W. F. Welch,
W. B. Creekmore,	S. P. Parks,	W. R. Whitlow,
Wm. S. Dean,	C. C. Patrick,	J. H. Williams,
H. C. Duffy,	J. W. Perry,	L. F. Withers,
L. H. Francies,	W. V. Perry,	J. R. Zimmerman,
G. G. Frazier,	John C. Pirtle,	Mr. Speaker,
Chas. W. Fulton,	W. F. Pitman,	(Geo. S. Wilson)
H. T. Gartin,	G. H. Plitt,	

Resolved that the title thereof be as aforesaid.

Mr. Crecelius moved to reconsider the vote by which the said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Waggoner that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 78. An act to amend Chapter 2 of the Acts of 1906 entitled "An act to amend Section 2560 of the Kentucky Statutes it being a portion of Article 1 of Chapter 81, Kentucky Statutes entitled "Liquors—intoxicating."

(For bill see House Journal February 16th.)

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Klair and Graves were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Frank S. Moore,	S. C. Roberts,
W. D. Allbright,	Ben E. Niles,	S. M. Russell,
P. W. Berkshire,	S. P. Parks,	H. A. Schoberth,
J. T. Buford,	W. V. Perry,	S. A. Shanklin,

Henry Chunn,
Z. A. Clore,
Z. T. Coleman,
C. F. Crecelius,
G. G. Frazier,
Chas. W. Fulton,
R. Dillard Hunter,
W. T. Kenton,
J. H. Lackey,
John C. Pirtle,
A. H. Points,
J. F. Porter,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
E. E. Trivette,
Geo. C. Waggoner,
W. F. Welch,
J. H. Williams,
J. R. Zimmerman,

Those who voted in the negative were—

J. W. Berkshire,
Eli Berry,
J. O. Bogie,
Frank J. Brown,
L. H. Carter,
J. P. Chinn,
Sidney G. Clay,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
H. C. Duffy,
L. H. Francies,
H. T. Gartin,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
Wm. F. Klair,
L. C. Littrell,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
J. W. Perry,
W. Price,
Samuel L. Robertson,
J. J. Taylor,
Edward A. Weber,
W. R. Whitlow,
Mr. Speaker.
(Geo. S. Wilson)

The hour of 11:50 o'clock a. m. having arrived,

The House took up for consideration the special order of the day for that hour to-wit: A bill entitled,

H. B. 250. An act granting pensions to disabled, indigent Confederate soldiers.

Said bill is as follows, viz:

An Act granting Pensions to Disabled Indigent Confederate Soldiers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any indigent, disabled person who has been a citizen and an actual bona fide resident of this State continuously since January 1, 1909, and who actually served one year or until the close of the war, as an officer or enlisted man in the military or naval service of the Confederate States of America during the war of 1861 to 1865, or their widow, shall be paid out of the State Treasury the sum of ten dollars per month upon due proof of the facts according to forms and regulations prescribed by this act and subject to the restrictions and conditions provided herein: Provided, that any person who was prevented from so serving until the close of the war by reason of wounds incurred or disease contracted in line of duty in such service, or by reason of being in captivity, shall be entitled to the benefits of this act the same as though he had served until the close of the war; and provided further, that any person who deserted or was dishonorably discharged from said service shall not be entitled to the benefits of this act, unless he be re-enlisted or returned to said service and served thereafter one year or until the close of the war, or was prevented from so doing by reasons of wounds, disease or captivity, as before stated. And that all shall be considered disabled after they shall have reached the age of 65 years of age.

§ 2. No person shall be entitled to the benefits of this act:

(a) Who is able to earn a support by manual labor; or

(b) Who is able to earn a support by reason of his knowledge, art or skill in any profession, trade or craft; or

(c) Who receive a pension from the United States, or any State or foreign government; or

(d) Who removes from this State or is absent therefrom for a perior of one year; or

(e) Who possesses a net income to the amount of $500.00 per year; or

(f) Who has property of the value of two thousand five hundred dollars; or

(g) Who is living with his wife, who possesses property or income sufficient for the suitable support of herself and family, including her husband; or

(h) Whose support is suitably provided for and secured by reason of a contract or agreement for a valuable consideration, with a person able to provide such support; or

(i) Who by reason of the combined partial liability to earn a support, and income or property, or any or all of these combined, is able to obtain an income equivalent to $500 per year.

§ 3. The Governor, Auditor, and Secretary of State shall constitute the State Pension Board, who shall examine and grant or reject applications for pensions, and their decision shall be final. The State Pension Board shall prescribe such regulations governing the filing, prosecution, adjudicating and payment of pension claims as may be necessary for the proper carrying out the provisions of this act.

§4. Applications for pensions shall be made in duplicate, under oath, substantially in form prescribed by the State Pension Board and shall be attested by two reputable witnesses as to the identity of the applicant. The application shall be filed in the County Court of the county where the claimant resides on or before any regular term and lay over until a subsequent regular term of said court,

when the judge thereof shall hear testimony in open court as to applicant's citizenship, residence and his means of support. The County Attorney shall be present and represent the Commonwealth; and may produce evidence concerning any facts relative to the claim. The judge of said court shall make a finding of facts in evidence, and forward same with a brief memorandum of the substance of the testimony of each witness heard, with his name and postoffice address, together with his recommendation upon the merits of the claim, and a copy of the application, to the Adjutant General of the State. The duplicate application shall remain on file in the County Clerk's office. The application may be continued from time to time upon motion of the claimant, but shall not be continued more than once over the objections of claimant.

§ 5. The application for pension shall be accompanied by affidavits of two physicians or one physician and two lay witnesses as to claimant's inability to earn a support by manual labor wholly or in part, and the County Judge shall certify whether such witnesses are reputable, and entitled to credit.

§ 6. Upon receipt of an application for pension properly executed, the Adjutant-General shall cause the claimant's military record to be examined, and a report thereon shall be filed with the papers in the case. The findings and recommendations of the County Judge shall not be final or conclusive upon any of the issues, but the Adjutant-General may call upon the applicant for additional evidence covering any fact necessary to support the claims.

§ 7. When the claimant shall have furnished all the evidence called for by the Adjutant-General, or declared his inability to furnish any additional evidence, the claim shall then be submitted to the State Pension Board with the Adjutant-General's recommendations endorsed thereon, for final action.

§ 8. When any pension claim shall be allowed, the Adjutant-General shall issue to the applicant a pension certificate at the rate of ten dollars per month from the date of filing the application with the Adjutant-General. Payment shall be made on said certificate four times each year; on the fifth day of August, November, February and May, upon the proper execution of vouchers by the pensioner before an officer authorized to administer oaths. The voucher shall be furnished to the pensioner by the Adjutant-General and returned to him after being properly executed. He shall then prepare the pension roll for that quarter, with the postoffice address of each pensioner, and file same together with the vouchers, with the Auditor. The Auditor shall then issue his warrants upon the Treasurer for the respective sums and the Treasurer shall forward a treasury check to the address of the pensioner.

§ 9. For the purpose of carrying out the provisions of this act, the Adjutant-General shall have the authority to employ one competent person as examiner of pensions to assist him in the adjudication of pension claims, at a salary not exceeding twelve hundred dollars per year; and one clerk at not exceeding nine hundred dollars per year: Provided, that after the expiration of one year this act becomes a law. Such additional employes shall be limited to one examiner of pensions at a salary not exceeding twelve hundred dollars per year.

§ 10. No person shall charge or demand or receive more than five dollars for his services as agent or attorney in prosecuting any claim for pension under this act; and any person who shall violate the provisions of this section shall be fined not less than one hundred dollars nor more than three hundred dollars for each offense.

§ 11. The necessary records, books, blanks and stationery used in carrying out the provisions of this act shall be supplied by the Commissioners of Public Printing, and paid for as provided by law for the printing for the executive department.

§ 12. No pension money granted under this act while due or to become due to any pensioner, shall be liable to attachment or levy or seizure by or under any legal or equitable process whatever, whether the same remains with the State, or is in course of transmission to the pensioner entitled thereto.

§ 13. Once each year every pensioner under this act shall furnish in addition to the usual voucher, a certificate from the County Judge of the county where he resides to the effect that he is the holder of the pension certificate, is the identical person to whom the same was issued, and that to the best of his belief there has occurred no changes in his financial condition which would render the pensioner ineligible to receive such pension.

§ 14. When in the opinion of the State Board of Pensions any pension hereafter granted, or any claim for pension, should be specially investigated, it shall be the duty of the Governor to direct the State Inspector and Examiner to make such investigation of same as requested by the State Board of Pensions, and report in writing the results thereof to said board.

§ 15. The Adjutant-General shall furnish to any Confederate soldier of this State blank applications for pension upon application to him for same.

§ 16. No official fees shall be charged by any officer of the county or State for services in connection with the prosecution or collection of any pension claim under this act: Provided, that this section shall not apply to notaries public.

§ 17. The Adjutant-General shall, every two years make and publish a report showing the names, county and post-office address of each pensioner under this act. Copies thereof shall be furnished to the County Judge, County Attorney, County Clerk and Sheriff of each county.

§ 18. In any case where pension has been granted, if the State Pension Board finds that the pension was wrongfully granted, or that the pensioner is no longer entitled thereto, they shall have authority to drop said pensioner from the rolls after first giving him thirty days notice by registered mail, and hearing any evidence the pensioner may offer.

§ 19. In case any person drawing a pension under this act enters the State Confederate Home, he shall not receive any pension for the period he shall remain there.

Mr. Porter offered the following amendment to said bill:

Amend Section 1 in line 10 by adding after the word "war" these words "or one year."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. H. Francies,	John C. Pirtle,
W. D. Allbright,	G. G. Frazier,	A. H. Points,
J. W. Berkshire,	Chas. W. Fulton,	J. F. Porter,
P. W. Berkshire,	H. T. Gartin,	W. Price,
Eli Berry,	T. D. Graham,	L. R. Ray,
J. O. Bogie,	F. E. Graves,	Geo. W. Reid,
O. Houston Brooks,	Robt. L. Harris,	G. T. Reynolds,
Frank J. Brown,	L. B. Herrington,	J. F. Richardson,

J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R . Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Frank S. Moore,
Ben E. Niles,
L. C. Owings,
J. W. Perry,
W. V. Perry,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

Resolved that the title thereof be as aforesaid.

Mr. Keene moved to reconsider the vote by which bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Southall moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

Mr. Klair moved that the consideration of the Orders of the Day be postponed in order that the call of the committees for report may be continued.

Said motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution adopted by the House entitled,

H. Res. 19. Resolution providing for the adjournment of this General Assembly until Wednesday, February 23, 1910.

That they had passed a bill entitled,

S. B. 126. An act for the benefit of three educational institutions, viz: State University, Eastern Kentucky State Normal School, Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment and providing additional resources for the maintenance of the said institutions.

Said bill was ordered printed and referred to the Committee on State University and Normal Schools.

Mr. Zimmerman, of the Board heretofore selected and sworn to determine the contest for a right to a seat in this House as Representative from the county of Pike in the case of G. C. Scott, contestant, vs. E. E. Trivette, contestee, offered the following report, viz:

In the House of Representatives of the General Assembly of Kentucky.

G. C. SCOTT - - - - - - - - Contestant
Vs.
Majority report.
E. E. TRIVETTE - - - - - - - - Contestee

The Contest Board herein is of opinion that contestee should retain his seat and so recommends to this body.

J. R. ZIMMERMAN, Chairman.
ELI BERRY.
JAMES T. BUFORD.
H. T. RICH.
J. W. RICHARDSON.
S. D. HINES.

Said report was adopted.

It is thereupon adjudged by the House that E. E. Trivette was at the November election, 1909, duly and regularly elected Representative in this General Assembly from the county of Pike and as such is entitled to a seat in this House.

Mr. Shanks of the Committee on Judiciary to which the same had been recommitted reported a resolution entitled,

S. Res. 9. Resolution providing for the adoption of the Legislative Digest as the official publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

Said resolution read as follows, viz:

Resolution providing for the adoption of the Legislative Digest as the Official Publication of this General Assembly and to purchase copies of same for the members of the General Assembly and certain officials.

Whereas, It is a matter of importance and convenience that each Senator and Representative be advised as to the various and detailed steps in legislation; and,

Whereas, It is of proper concern that the citizenry of the State be cognizant of those legislative matters affecting them in person and property; and,

Whereas, There is a publication under the editorship and management of competent and experienced persons known as "The Legislative Digest," the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to all matters affecting them in an intelligent, useful and prompt manner; therefore, be it

Resolved, By the Senate of Kentucky, the House of Representatives concurring, that the purpose of The Legislative Digest be approved, and the same be adopted as the official publication of this General Assembly; that the publishers are hereby directed to furnish daily a copy to each member and Chief Clerk of the General Assembly and one to the head of each State Department; that the publishers are allowed the sum of ten dollars ($10.00) for each subscription for the session, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount when such service has been concluded.

Mr. Waggoner offered the following amendment to said resolution, viz:

Amend by striking out $10.00 and inserting in lieu thereof $5.00.

Mr. Zimmerman moved that the further consideration of said resolution be postponed until Wednesday next, 23d instant.

Said motion was disagreed to.

Mr. Holland moved the previous question.

The Speaker announced "Shall the main question be now put."

The question being taken thereon it was decided in the affirmative.

The amendment as proposed by Mr. Waggoner as above was disagreed to.

The yeas and nays being required thereon by Messrs. Porter and Niles were as follows, viz:

Those who voted in the affirmative were—

T. M. Bertram,	W. G. Keen,	H. T. Rich,
L. H. Carter,	L. C. Littrell,	J. T. Riherd,

W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Z. T. Coleman,
Albert J. Counts,
W. L. Craig,
W. B. Creekmore,
G. G. Frazier,
S. B. Johnson,
J. H. McWaters,
Frank S. Moore,
Ben E. Niles,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
J. F. Porter,
W. Price,
L. R. Ray,
Farris Roberts, Jr.,
S. C. Roberts,
W. L. Shearer,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
W. F. Welch,
J. R. Zimmerman,

Those who voted in the negative were—

J. W. Berkshire,
Eli Berry,
J. T. Buford,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Peter J. Cosgrove,
C. F. Crecelius,
H. C. Duffy,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
Wm. F. Klair,
H. L. Lewis,
Hugh Mahin,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
W. V. Perry,
A. H. Points,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
J. W. Turner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,

The question being taken on concurring in said resolution it was decided in the negative, it failing to receive the number of votes as required by the Constitution.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. T. Buford,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
Wm. F. Klair,
J. F. Richardson,
J. T. Riherd,
Samuel L. Robertson,
S. M. Russell,

Sidney G. Clay,	J. H. Lackey,	H. A. Schoberth,
J. R . Claypool,	H. L. Lewis,	S. A. Shanklin,
Z. T. Coleman,	Hugh Mahin,	W. H. Shanks,
Peter J. Cosgrove,	H. J. Meyers,	W. H. Southall, Jr.,
C. F. Crecelius,	W. H. Newell,	J. W. Turner,
L. H. Francies,	L. C. Owings,	Geo. C. Waggoner,
T. D. Graham,	W. V. Perry,	Edward A. Weber,
F. E. Graves,	A. H. Points,	W. R. Whitlow,
Robt. L. Harris,	Geo. W. Reid,	J. H. Williams,
L. B. Herrington,	G. T. Reynolds,	L. F. Withers,

Those who voted in the negative were—

T. M. Bertram,	W. G. Keen,	L. R. Ray,
W. G. Caudill,	J. H. McWaters,	H. T. Rich,
J. P. Chinn,	Frank S. Moore,	Farris Roberts, Jr.,
Henry Chunn,	Ben E. Niles,	S. C. Roberts,
Z. A. Clore,	C. C. Patrick,	W. L. Shearer,
M. G. Colson,	J. W. Perry,	J. J. Taylor,
W. L. Craig,	John C. Pirtle,	E. E. Trivette,
H. C. Duffy,	J. F. Porter,	W. F. Welch,
G. G. Frazier,	W. Price,	J. R. Zimmerman,
S. B. Johnson,		

Mr. Niles moved to reconsider the vote by which the House failed to concur in said resolution and that said motion lie on the table.

At 2:15 o'clock,

Mr. Klair moved that the House do now adjourn.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. J. W. Perry and W. L. Shearer were as follows, viz:

Those who voted in the affirmative were—

P. W. Berkshire,	L. B. Herrington,	W. V. Perry,
Eli Berry,	Samuel D. Hines,	A. H. Points,

J. T. Buford,
L. H. Carter,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Peter J. Cosgrove,
C. F. Crecelius,
W. B. Creekmore,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
John W. Holland,
Hite Huffaker,
W. T. Kenton,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
W. Price,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Samuel L. Robertson,
H. A. Schoberth,
W. H. Shanks,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,

Those who voted in the negative were—

P. W. Berkshire,
T. M. Bertram,
W. G. Caudill,
Henry Chunn,
Z. T. Coleman,
Albert J. Counts,
H. C. Duffy,
G. G. Frazier,
S. B. Johnson,
Frank S. Moore,
Ben E. Nites,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
L. R. Ray,
Farris Roberts, Jr.,
S. C. Roberts,
W. L. Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
Geo. C. Waggoner,
W. F. Welch,
L. F. Withers,

And so the House adjourned until Wednesday next, February 23.

WEDNESDAY, FEBRUARY 23, 1910.

The House was opened with prayer by the Rev. Father T. S. Major of the Roman Catholic Church.

The reading of the journal of the proceedings of Friday last was dispensed with.

The following petitions were presented.

By Mr. Kenton:

Petition of sundry citizens of Robertson County protesting against the passage of H. B. 277.

By Mr. Price:

Petition of sundry citizens of Kenton County remonstrating against the passage of H. B. 277, H. B. 72 and S. B. 264.

By Mr. Crecelius.

Petition of sundry citizens of Pendleton County remonstrating against the passage of H. B. 277, H. B. 72 and S. B. 264.

By Mr. McVean:

Petition of sundry citizens of Kenton County remonstrating against the passage of H. H. 277, H. B. 72 and S. B. 264.

Which were received, their reading dispensed with and referred to the Committee on Public Health.

The Speaker laid before the House the following communication, viz:

Office of the State Inspector of Mines and Curator of the State Geological Dpeartment.

Lexington, Ky., February 23, 1910.

Hon. George S. Wilson,

Speaker of the House of Representatives.

Sir:

I herewith inclose my response to the Resolution adopted by the

House of Representatives calling upon the Chief Inspector of Mines for certain information in regard to accidents in our coal mines. I have addressed the response to the House of Representatives, not knowing whether it would be directed to the Speaker or to the House but taking what seems to be the safer course. If I have erred, please charge it to my ignorance of parliamentary usage, but lay the response before the House.

Very respectfully,
C. J. NORWOOD,
Chief Inspector of Mines, etc.

(For the report accompanying said communication see Legislative Documents.)

Ordered that said communication and accompanying report be referred to Committee on Mines and Mining and that the same be filed with the records of the Clerk of the House

The House took up for consideration the unfinished business from Friday last, the 18th instant, to-wit:

S. Res. 9. Resolution providing for the adoption of the legislative digest as the official publication of this General Assembly and to purchase copies of same for the Members of the General Assembly and certain officials.

And the motion to reconsider same and to lay said motion on the table.

(For Resolution and proceedings thereon see House Journal February 18th.)

The motion as made by Mr. Niles to lay on the table the motion made by him to reconsider the vote by which the House failed to concur in said resolution was disagreed to.

The yeas and nays being required thereon by Messrs. Klair and Crecelius were as follows, viz:

Those who voted in the affirmative were—

T. M. Bertram,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
W. L. Craig,
H. C. Duffy,
G. G. Frazier,
Frank S. Moore,
Ben E. Niles,
C. C. Patrick,
John C. Pirtle,
J. F. Porter,
L. R. Ray,
R. A. Read,
H. T. Rich,
Farris Roberts, Jr.,
W. L. Shearer,
J. J. Taylor,
E. E. Trivette,
W. F. Welch,

Those who voted in the negative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
Sidney G. Clay,
Z. A. Clore,
Z. T. Coleman,
Peter J. Cosgrove,
C. F. Crecelius,
W. B. Creekmore,
L. H. Francies,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
J. W. Perry,
W. F. Pitman,
A. H. Points,
W. Price,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
J. W. Turner,
Geo. C. Waggoner,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,

The motion as made by Mr Niles to reconsider the vote by which the House failed to concur in said resolution was agreed to.

Said resolution was then concurred in.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
Sidney G. Clay,
Z. A. Clore,
Peter J. Cosgrove,
C. F. Crecelius,
L. H. Francies,
H. T. Gartin,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
J. W. Turner,
Geo. C. Waggoner,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,

Those who voted in the negative were—

R. H. Akin,
W. D. Allbright,
S. M. Carson,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
W. L. Craig,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
W. G. Keen,
O. M. Kelsey,
Ben E. Niles,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
J. F. Porter,
W. Price,
L. R. Ray,
Geo. W. Reid,
H. T. Rich,
Farris Roberts, Jr.
W. L. Shearer,
J. J. Taylor,
E. E. Trivette,
W. F. Welch,

By unanimous consent.

Mr. Carter introduced the following bill, viz:

H. B. 502. An act to amend Section 281 of the Codes of Practice in criminal cases.

Said bill was ordered to be printed and referred to Committee on Codes of Practice.

Mr. Brooks offered the following resolution, viz:

H. Res. 20. Resolution ratifying the 16th amendment of the Constitution of the United States.

Whereas, the Congress of the United States on July —, 1909, adopted a joint resolution proposing an amendment to the Constitution of the United States, as follows: "Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States which, when ratified, by the Legislatures of three-fourths of the several States shall be valid to all intents and purposes as a part of the Constitution."

Article XVI. The Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration.

And the foregoing proposed amendment having been transmitted by the Secretary of State of the United States to his Excellency, Augustus E. Willson, Governor of the Commonwealth of Kentucky, on the 26th day of July, 1909, and having been submitted by the Governor of the Commonwealth of Kentucky on the 16th day of February, 1910, and laid before the General Assembly of the Commonwealth of Kentucky for consideration and action, now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky: That the foregoing amendment to the Constitution of the United States be and the same is hereby ratified to all intents and purposes as a part of the Constitution of the United States.

That the Governor of this State is thereby requested to forward to the President of the United States an authentic copy of the foregoing Joint Resolution.

(For the communication from the Governor referred to in the above see House Journal, February 16th.)

By unanimous consent the rules were suspended and said resolution was taken up for consideration.

Said resolution was adopted.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. O. Bogie,
O. Houston Brooks,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Chas. W. Fulton,
H. T. Gartin,
F. E. Graves,
L. B. Herrington,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
O. M. Kelsey,
Wm. F. Klair,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Frank S. Moore,
J. F. Porter,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,

M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

Those who voted in the negative were—

Frank J. Brown, C. C. Patrick, G. T. Reynolds.

Mr. Owings offered the following resolution, viz:

Whereas, the press of this State has on numerous occasions charged that the Department of Agriculture, Labor and Statistics has ruined the County Farmers Institutes by turning them into political conventions; and

Whereas, the Kentucky State Journal prints the charge this morning that politics has been brought into the State Farmers Institute now in session in the city of Frankfort, Kentucky, therefore,

Resolved by the House of Representatives that the Committee on Agriculture of this House be and the same is hereby directed to investigate the conduct of this office. The power is hereby conferred on said committee to summon witnesses, administer oaths and to do all things necessary to ascertain the fact in these charges.

Said resolution was adopted.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 377. An act to amend Section 171 of the Constitution of Kentucky.

H. B. 376. An act to create a permanent Tax Commission, define its powers and to make appropriation of funds for its purposes.

H. B. 356. An act to perpetuate and preserve the old State Capitol Buildings.

With an amendment thereto by way substitute therefor.

H. B. 233. An act for the purchase of additional land adjoining the new Capitol ground.

H. B. 426. An act providing for the holding of County Courts, Quarterly Courts, and Circuit Courts in the county of Wilson and assigning said county to the Judicial District for the election of Judge of the Court of Appeals and to the Judicial District for the holding of Circuit Courts and to the Representative, Senatorial and Congressional Districts to which it belongs.

H. B. 153. An act appropriating money to pay for the erection of buildings and other improvements upon the State Fair grounds and to purchase additional land for the use of the State Fair.

With an amendment thereto by way of substitute therefor.

H. B. 364. An act to further regulate registration in this Commonwealth.

H. B. 300. An act to provide additional registration days in counties where registration of voters is required and designating the Registrar.

With an amendment thereto by way of substitute therefor.

S. B. 71. An act to amend an act entitled "An act to create a

Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth which became a law, March 5, 1898.

H. B. 452. An act for the benefit of the Branch Penitentiary at Eddyville, Kentucky, and appropriating money for the erection of necessary buildings and improvements at said Branch Penitentiary.

H. B. 334. An act to provide for the transportation of the remains of all convicts who die in the penal institutions of this Commonwealth when the remains are claimed or desired by the relatives of the deceased.

H. B. 401. An act to establish a plant for the preparation of hog cholera serum and the distribution of the same to the farmers of the State.

H. B. 422. An act to regulate the sale of agricultural seed.

H. B. 301. An act to prevent the spread of communicable disease among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry of the State.

Together with an amendment thereto.

H. B. 67. An act to establish a sub-experiment station in Eastern Kentucky and a like station in Western Kentucky.

With an amendment thereto by way of substitute therefor.

H. B. 182. An act for the promotion of agriculture and horticulture among the negroes.

H. B. 273. An act to reduce the cost on repairs for farm machinery.

With an amendment thereto by way of substitute therefor.

H. B. 292. An act fixing the liability of a bank to its depositor for payment for forged or raised checks.

H. B. 293. An act to punish derogatory statements affecting banks.

With an amendment thereto.

S. B. 182. An act to further amend Section 564, Kentucky Statutes being Section 27 of an act entitled "An act providing for the creation and regulation of private corporation" approved April 5, 1893.

H. B. 184. An act giving power to certain counties to supplement the salaries of certain public officers and to ratify their action in respect thereto.

H. B. 410. An act to amend Section 965 of the Kentucky Statutes which relates to the time of holding Circuit Courts in the First Judicial District.

H. B. 89. An act providing for the taking of depositions upon interrogatories in Circuit Courts of counties having more than two hundred thousand population.

With an amendment thereto by way of substitute therefor.

H. B. 448. An act to repeal the Charter of the town of Rosewood in Muhlenburg County.

H. B. 342. An act to amend an act entitled "An act for the erection and maintenance of the Confederate Home," approved March 27, 1902, and amended March 21, 1906.

With an amendment thereto.

H. B. 416. An act to amend an act entitled, "An act to regulate child labor and to make the provisions thereof, effective approved March 18, 1908.

H. B. 418. An act relating to hours of labor and sanitary conditions to be observed in bakeries and confectionery establishments and providing a penalty.

With an amendment thereto.

H. B. 193. An act providing for the uniform accounting and inspection of Public Offices in Kentucky.

Ordered that said bill be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with said bills were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The Committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Shanks of the Committee on Judiciary.

S. B. 119. An act creating a State Board of Law Examiners, prescribing their powers and duties and regulating the issual of licenses to attorneys at law.

By same:

S. B. 90. An act to amend an act entitled, "An act concerning juries and entitled 'juries'" approved March 19, 1894.

By same:

H. B. 242. An act to regulate telegraph, telephone and express companies doing business in this State.

With an amendment thereto by way of substitute therefor.

By Mr. Schoberth of the Committee on Kentucky Statutes.

H. B. 170. An act authorizing the Judge of the Franklin Circuit Court to appoint a Commissioner of the State Fiscal Court.

By same:

H. B. 248. An act adopting as the law of the Commonwealth of Kentucky the edition of the Kentucky Statutes compiled by John D. Carroll and issued in 1909.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 315. An act regulating the allowance to pauper idiots and providing for the payment of same.

By same:

H. B. 436. An act for the benefit of the infant children of Hon. McD. Ferguson, deceased.

By same:

H. B. 166. An act to repeal and amend Sections 2016, 2020, 2021, and 2033 of Chapter 61 of Kentucky Statutes, Carroll's edition, 1909.

With amendments thereto.

By same:

H. B. 169. An act for the protection of owners and keepers of hotels, creating liens on certain property and providing for the enforcement of the provisions thereof and limiting the liability of hotel keepers and for sale of unclaimed baggage requiring hotel keepers to give receipts or checks for baggage, no liability in case of fire or overwhelming force.

By same:

H. B. 118. An act relating to the time, manner and mode of probating wills.

By same:

H. B. 337. An act regulating the liability of railroad companies to their employes.

With amendments thereto.

By same:

H. B. 179. An act to amend Section 1708 of the Kentucky Statutes concerning homesteads.

By same:

H. B. 384. An act in relation to the condemnation of land and rights of way.

With amendments thereto.

By Mr. Pirtle of the Committee on Mines and Mining.

H. B. 355. An act to readjust and fix the salaries of Assistant Inspectors of mines.

By same:

H. B. 129. An act to provide for the employment and pay of a check weighman or the check measurer for the benefit of persons working in mines.

With amendments thereto.

By Mr. Klair of the Committee on Municipalities:

H. B. 99. An act creating the office of District Detective to the Commonwealth Attorney in all counties of this Commonwealth having cities of the Second Class.

With an amendment thereto by way of substitute therefor.

By same:

S. B. 88. An act to amend Section 3948, Chapter 104 of the Kentucky Statutes, Carroll's edition of 1909 entitled "Public Buildings, State and County."

By same:

H. B. 398. An act concerning tenement houses, apartment houses and flat houses in a city of the First Class.

With amendments thereto.

Said bills were severally read the first time at length and ordered placed on the Calendar.

By Mr. Lackey of the Committee on Public Health:

H. B. 50. An act to create and establish the Kentucky State Board of Examiners in optometry in this State and prescribing penalties for violation thereof.

With the expression of opinion that said bill ought not to pass.

Pending the consideration of said bill the hour of 1:30 P. M. having arrived under the rules the House stood adjourned until 3:30 this afternoon.

AFTERNOON SESSION.

At 3:30 o'clock P. M. the House met pursuant to adjournment.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 198. An act to amend Section 500 of Kentucky Statutes 1909, relating to the recording of contracts concerning lands.

Together with the amendment by way of substitute proposed thereto by the Committee on Kentucky Statutes.

Said bill is as follows, viz:

AN ACT to amend Section 500 of Kentucky Statutes, 1909, relating to the recording of contracts concerning land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 500 of Carroll's Kentucky Statutes, 1909, be and it is hereby amended by adding after the following words commencing the section: "Any contract for the sale of land, of any interest therein the following words "Or any options or offers to sell land.

or any interest therein," so that the section when amended shall read as follows:

"Any contract for the sale of land, or any interest therein, or any options or offers to sell land, or any interest therein, when acknowledged or proven as deeds are required to be, may be recorded in the county in which such lands are situated, in the same offices and books in which deeds are recorded, and the record of all such contracts recorded shall, from the time of lodging the same for record, be notice of such contracts to all persons."

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any option or offer to sell land or other property, or any interest therein when acknowledged or proven as deeds, are required to be, may be recorded in the county in which such land or property is situated in the same offices in which deeds are recorded and in a separate book kept for that purpose and the record of all such recorded options or offer to sell shall from the time of lodging the same for record be notice of such contract to all persons.

Said substitute was adopted.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in

accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
V. A. Bradley,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
Z. A. Clore,
M. G. Colson,
S. F. Crabtree,
W. B. Creekmore,
Wm. S. Dean,
G. G. Frazier,
Chas. W. Fulton,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Don G. McVean,
W. H. Newell,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. Price,
R. A. Read,
G. T. Reynolds,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
L. F. Withers,

Resolved that the title thereof be as follows, viz:

An act to make an option a recordable instrument.

Mr. Herrington moved to reconsider the vote by which said bill was passed and to lay said motion on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 62. An act to prevent accident in the use of gasoline and so forth.

Said bill is as follows, viz:

AN ACT to prevent accident in the use of gasoline, etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any person who sells gasoline to keep, store, handle, measure, sell or deliver same in any other tank, can, measure, or receptacle than those painted red.

§ 2. That it shall hereafter be unlawful for any person who sells gasoline, to keep, store, handle, measure, sell or deliver coal oil or any other oil or substance resembling coal oil, other than gasoline, in any tank, can, measure or receptacle of any kind that has been painted red.

§ 3. That any person violating the provisions of this act shall be fined not less than Ten ($10.00) Dollars nor more than One Hundred ($100.00) Dollars for each offense.

Recovery therefor shall be had in any court of competent jurisdiction.

Mr. Bradley offered the following amendment, viz:

Amend by adding thereto a section which shall be Section No. 4 as follows, viz:

Provided, however, that the provisions of this act shall in no way apply to tank cars, tank wagons, drums or other receptacles used by manufacturers of, or wholesale dealers in the substance mentioned in this act.

Said amendment was agreed to.

Mr. Clay offered the following amendment to said bill:

Amend by adding the following paragraph: "That it be made a felony for the wholesale merchant to pour anything other than gasoline in a red tank."

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
Eli Berry,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chinn,
Sidney G. Clay,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
W. B. Creekmore,
Wm. S. Dean,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis.
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Steers,
J. W. Turner,
Edward A. Weber,
J. H. Williams,
L. F. Withers,—59

Those who voted in the negative were—

Z. A. Clore,	W. Price,	Geo. C. Waggoner,
H. C. Duffy,	W. L. Shearer,	W. F. Welch,—6

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 94. An act to change the terms of court in the counties of Floyd, Pike, Johnson and Martin.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Paragraphs 2 and 3 of Section 4 of an act approved March 21, 1904, entitled, "An act creating the Thirty-first district of Kentucky, fixing the time of holding the courts thereof, providing for the election of a circuit judge and a Commonwealth's Attorney, and changing the Twenty-third and Twenty-fourth districts of Kentucky so as to provide for the said Thirty-first district, and fixing the time for holding the courts in the said Twenty-third and Twenty-fourth districts," and being that part of said act fixing the terms of court in said Twenty-fourth and Thirty-first districts, be, and the same is hereby amended by striking out the word "twenty-four" in the third line of Paragraph 2 and substituting therefor the word "thirty-six;" and by striking out the word "twenty-four" in line six of Paragraph 2 and substituting therefor the word "eighteen;" and by striking out the word "twenty-four" in line 8 of said Paragraph 2 and substituting therefor the word "eighteen;" and also by striking out the word "eighteen" in line 6 of Paragraph 3 and substituting therefor the word "twenty-four," so that said Paragraphs 2 and 3 of said act, as so amended, shall read as follows:

§ 2. "Twenty-fourth District, Pike County at Pikeville, on the first Monday in February, May and October, and continue thirty-six juridical days each term. Johnson County at Paintsville, on the first Mondays succeeding the termination of the Pike terms and continue eighteen juridical days. Martin County at Inez, on the first Monday succeeding the termination of the Johnson terms and continue eighteen juridical days each term.

§ 3. "Thirty-first District, Magoffin County at Salyersville on the first Monday in February, first Monday in June, and first Monday in October, and continue eighteen juridical days each term. Floyd County at Prestonsburg on the Mondays succeeding the termination of each Magoffin term, and continue twenty-four juridical days each term. Knott County at Hindman on Mondays succeeding the termination of each Floyd term and continue eighteen juridical days each term."

§ 4. Whereas, litigation has greatly increased in the counties of Floyd and Pike, and the dockets of said courts are congested, and the length of terms provided for said courts is insufficient to dispose of the litigation in said counties, and there are many cases that should be tried, an emergency is hereby declared to exist, and this act shall take effect from its passage.

Mr. Turner offered the following amendment to said bill, viz:

That Section 2 be amended so as to read as follows:

§ 2. Twenty-fourth District. Pike County on the third Monday in February, April and September, and continue forty-two juridical days each term; Johnson County at Paintsville on the first Monday succeeding the termination of the Pike term and continue twenty-four juridical days; Martin County at Inez on the first Mondays succeeding the Johnson term and continue twelve juridical days each term.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Aikin,
W. D. Allbright,
J. W. Berkshire,
Eli Berry,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. W. Turner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

—66

Resolved that the title thereof be as follows, viz:

An act to amend an act entitled, "An act creating the Thirty-first judicial district of Kentucky, fixing the time of holding courts thereof, providing for the election of a Circuit Judge and a Commonwealth's Attorney and changing the Twenty-third and Twenty-tourth districts of Kentucky so as to provide for said Thirty-first district and fixing the time for holding the courts in said Twenty-third and Twenty-fourth districts," which act was approved March 21, 1904.

A message was received from the Senate announcing that they had adopted a resolution entitled,

S. Res. 11. Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

Said resolution was ordered to be printed and referred to the Committee on Rules.

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

S. B. 24. An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the Judge shall fail to attend or if in attendance can not properly preside.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to said bills.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 359. An act to amend an act regulating the terms of court of the Twelfth Judicial District of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amendment approved March 21, 1906, amending Section 965 Kentucky Statutes in so far as it relates to the Twelfth Circuit Court district be amended as follows, so that Section 965 when amended shall read as follows: Trimble County at Bedford, on the first Monday in January, six juridical days; Henry County at New Castle, second Monday in January, twelve juridical days; Shelby County at Shelbyville, fourth Monday in January, eighteen juridical days; Oldham County, at Lagrange, third Monday in February, twelve juridical days; Anderson County at Lawrenceburg, first Monday in March, twelve juridical days; Spencer County at Taylorsville, third Monday in March, twelve juridical days; Trimble County at Bedford, first Monday in April, twelve juridical days; Henry County at New Castle, third Monday in April, twelve juridical days; Shelby County at Shelbyville, first Monday in May, eighteen juridical days; Oldham

County at LaGrange, fourth Monday in May, twelve juridical days; Spencer County at Taylorsville, second Monday in June, six juridical days; Anderson County at Lawrenceburg, third Monday in June, twelve juridical days; Trimble County at Bedford, first Monday in September, six juridical days; Henry County at New Castle, second Monday in September, twelve juridical days; Shelby County at Shelbyville, fourth Monday in September, eighteen juridical days; Oldham County at LaGrange, third Monday in October, six juridical days; Spencer County at Taylorsville, fourth Monday in October, twelve juridical days; Anderson County at Lawrenceburg, second Monday in November, twelve juridical days.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
A. H. Points,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,

W. G. Caudill,	O. M. Kelsey,	Samuel L. Robertson,
Henry Chinn,	Wm. F. Klair,	H. A. Schoberth,
Sidney G. Clay,	J. H. Lackey,	S. A. Shanklin,
Z. A. Clore,	H. L. Lewis,	W. H. Shanks,
M. G. Colson,	L. C. Littrell,	W. L. Shearer,
Albert J. Counts,	J. H. McWaters,	W. H. Southall, Jr.,
Peter J. Cosgrove,	Don G. McVean,	John S. Steers,
S. F. Crabtree,	H. J. Meyers,	J. J. Taylor,
W. L. Craig,	W. H. Newell,	W. R. Whitlow,
W. B. Creekmore,	L. C. Owings,	J. H. Williams,
Wm. S. Dean,	J. W. Perry,	L. F. Withers,
H. C. Duffy,	Marion F. Pogue,	J. R. Zimmerman,

—66

Resolved that the title thereof be as aforesaid.

Mr. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 138. An act to amend an act amending Section 965 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amendment approved March 17, 1896, which act amended Chapter 35, Section 965, of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District of Kentucky, be, and the same is hereby amended, so that Section 965,

of Chapter 35, of the Kentucky Statutes, relating to the time of holding courts in the Eighth Judicial District, shall read as follows:

"Eighth District,

"In Allen County, at Scottsville, on the first Monday in February, twelve juridical days; on the first Monday in May, twelve juridical days, and on the third Monday in September, twelve juridical days.

"In Butler County, at Morgantown, on the third Monday in February, twelve juridical days; on the third Monday in May, twelve juridical days, and on the first Monday in October, twelve juridical days.

"In Edmonson County, at Brownville, on the third Monday in March, twelve juridical days; on the third Monday in June, twelve juridical days, and on the third Monday in November, twelve juridical days.

"In Warren County, at Bowling Green, on the first Monday in January, twenty-four juridical days; on the first Monday in March, twelve juridical days; on the first Monday in April, twenty-four juridical days; on the first Monday in June, twelve juridical days; on the first Monday in September, twelve juridical days; on the third Monday in October, twenty-four juridical days."

§ 2. All laws or parts of laws, inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect on and after July 1, 1910.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin.
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
W. G. Caudill,
Henry Chinn,
Sidney G. Clay,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. L. Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
J. H. Williams,
L. F. Withers,—68

Resolved that the title thereof be as aforesaid.

Mr. Hines moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 18. An act to regulate the time of holding the terms of Circuit Court in the Twelfth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the terms of Circuit Court in the Twentieth Judicial District shall be as follows:

Lewis County, at Vanceburg, on the second Monday in January, first Monday in May and the first Monday in September, and continue each for eighteen juridical days.

Greenup County, at Greenup, on the second Monday in February, fourth Monday in May, and fourth Monday in November and continue each for twelve juridical days.

Boyd County, at Catlettsburg, on the first Monday in March, second Monday in June and first Monday in October, and continue each for twenty-four juridical days.

All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Wm. S. Dean,	R. A. Read,
W. D. Allbright,	H. C. Duffy,	H. T. Rich,

J. W. Berkshire,	G. G. Frazier,	J. T. Riherd,
P. W. Berkshire,	Chas. W. Fulton,	Farris Roberts, Jr.,
Eli Berry,	L. B. Herrington,	S. C. Roberts,
T. M. Bertram,	Hite Huffaker,	S. M. Russell,
V. A. Bradley,	O. M. Kelsey,	S. A. Shanklin,
O. Houston Brooks,	Wm. F. Klair,	W. H. Shanks,
Frank J. Brown,	J. H. Lackey,	W. L. Shearer,
J. T. Buford,	H. L. Lewis,	W. H. Southall, Jr.,
S. M. Carson,	J. H. McWaters,	J. J. Taylor,
L. H. Carter,	H. J. Meyers,	J. W. Turner,
W. G. Caudill,	L. C. Owings,	Geo. C. Waggoner,
Henry Chinn,	C. C. Patrick,	Edward A. Weber,
M. G. Colson,	W. V. Perry,	W. F. Welch,
Albert J. Counts,	John C. Pirtle,	W. R. Whitlow,
Peter J. Cosgrove,	A. H. Points,	J. H. Williams,
S. F. Crabtree,	J. F. Porter,	L. F. Withers,
W. L. Craig,	W. Price,	J. R. Zimmerman,
W. B. Creekmore,	J. F. Richardson,	—60

Resolved that the title thereof be as aforesaid.

Mr. Lewis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 44. An act to amend Section 965, Kentucky Statutes relating to Circuit Courts in the Sixth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 965 of the Kentucky Statutes, in so far as it

relates to the Sixth Circuit Court district be, and the same is hereby amended by striking from said section all that part which relates to the time of holding courts in the Sixth Circuit Court District, and inserting in lieu thereof the following:

Sixth District.—Daviess County, at Owensboro, three terms, beginning on the fourth Monday in February, thirty judicial days; first Monday in September, twenty-four judicial days, and first Monday in December, twenty-four judicial days; and three terms, beginning on the first Monday in January, twelve judicial days; fourth Monday in May, twelve judicial days, and first Monday in November, twelve judicial days.

McLean County, at Calhoun, three terms, beginning on the third Monday in January, twelve judicial days; second Monday in May, twelve judicial days, and first Monday in October, twelve judicial days.

Ohio County, at Hartford, four terms, beginning on the first Monday in February, eighteen judicial days; third Monday in April, twelve judicial days; second Monday in June, eighteen judicial days, and third Monday in October, twelve judicial days.

Hancock County, at Hawesville, three terms, beginning on first Monday in April, twelve judicial days; first Monday in July, twelve judicial days, and third Monday in November, twelve judicial days.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
V. A. Bradley,
O. Houston Brooks
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
Z. A. Clore,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
W. B. Creekmore,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
W. Price,
L. R. Ray,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

Mr. P. W. Berkshire moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Williams moved that the rules be suspended that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 130. An act to amend Sub-section 3 of Section 2739b of the Kentucky Statutes relating to mines and mining.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Waggoner and Russell were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
V. A. Bradley,
O. Houston Brooks,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
Peter J. Cosgrove,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
John W. Holland,
W. G. Keen,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
J. W. Perry,
John C. Pirtle,
A. H. Points,
J. F. Porter,
W. Price,
J. F. Richardson,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
H. A. Schoberth,
W. H. Shanks,
W. H. Southall, Jr.,
Edward A. Weber,
J. H. Williams,

Those who voted in the negative were—

R. H. Akin,
T. M. Bertram,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
Z. A. Clore,
M. G. Colson,
S. F. Crabtree,
Chas. W. Fulton,
R. Dillard Hunter,
O. M. Kelsey,
C. C. Patrick,
Marion F. Pogue,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. T. Rihard,
W. Logan Shearer,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. R. Zimmerman,

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sub-section 3, of Section 2739b, of the Kentucky Statutes be and the same is hereby amended as follows: By striking therefrom the following words: "Except and provided, that any person who for four years prior to the passage of this act has served as mine foreman or as assistant mine foreman in coal mines may upon application therefor and upon satisfactory evidence presented to said Board of Examiners as to his term of service and as to his character for mortality and sobriety, be granted a certificate of qualification without such examination, which certificate shall be known as a 'service certificate' and shall be so designated on its face." Also the following: "Or for 'service certificates.'" Also the following: "And each applicant for a 'service certificate' shall likewise pay a fee of two dollars and fifty cents to the Auditor of Public Accounts and shall likewise present the Auditor's receipt before such certificate shall be issued." So that said section, when so amended, shall read as follows: "Six months after this act goes into effect, no owner, lessee, or operator of a coal mine in which as many as ten persons are employed at one time shall employ as mine foreman any person who has not been granted a certificate of qualification to the effect that he has been examined by the Board of Examiners provided for in the preceding section of this act and has been found fit and competent as herein required; and said Board of Examiners shall in no event grant any certificate to any person who does not satisfy said board that he is a person of good moral character, and of his sobriety, and that he possesses a thorough knowledge of the different systems of working and ventilating coal mines and of the nature and properties of mine gases, dust and fire-damp, and shall have a thorough and practical knowledge of mining gained by at least five years' experience in and at mines. Each applicant for examination shall, before he is examined, pay a fee of two dollars and fifty cents to the Auditor of Public Accounts, who shall issue his receipt therefor, which receipt the applicant shall present to the chief inspector of mines or to such member of the board as may at any time be designated to receive

same, and all fees so paid shall be turned into the Treasury to the credit of the General Expenditure Fund. The Chief Inspector shall keep a record of all proceedings of the board including the names and addresses of persons who apply for examination as herein provided, and, of the certificates that have been granted; and the board is hereby authorized to cancel any certificate upon satisfactory evidence that the person to whom it has been issued has been guilty of violating instructions to comply with the requirements of the mining laws, or who has proven inefficient. The certificates to be granted to applicants who pass the examination herein provided for, shall in substance state that the applicant has been examined under the provisions of this act and has been found to possess the qualifications required by law. The Chief Inspector shall formulate the necessary blank certificates and cause same to be printed by the Public Printer in such quantities as may be needed from time to time.

The substitute heretofore proposed to said bill by the Committee on Mines and Mining is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No owner, lessee, or operator of a coal mine in which as many as fifteen persons are employed at one time shall employ as mine foreman any person who has not been granted a certificate of qualification to the effect that he has been examined by the Board of Examiners, provided for in Chapter 59, Acts of the General Assembly of 1908, and has been found fit and competent.

§ 2. The certificates of qualification shall be divided into three classes, namely: (1) First Class, which shall authorize the holder to act as foreman for all classes of coal mines; (2) Second Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine; and (3) Third Class, which shall authorize the holder

to act as foreman for any non-gaseous coal mine in which not more than twenty-five persons are employed at one time.

§ 3. A non-gaseous mine is hereby defined as one which does not generate explosive gas in sufficient quantity to make accident therefrom possible under any conditions that may reasonably be expected to occur in the operation of the mine.

§ 4. The class of certificate which may be awarded to an applicant who has been examined shall be determined by the Board of Examiners according to the nature of examination taken by the applicant or by the grade made by the applicant in the examination.

§ 5. No certificate shall be granted to any person who does form of affidavits made by well-known, responsible persons in the locality whence he comes, that the applicant is a man of sobriety and good moral character, and that he has had at least five years practical experience at and in coal mines.

§ 6. Certificates may be granted only to persons who are residents of the State or employed at mines within the State.

§ 7. Any owner, lessee, or operator of a coal mine wilfully failing or refusing to comply with this act, and any person acting as foreman at a coal mine without having a certificate from the Board of Examiners authorizing him to act as such foreman, shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than one hundred dollars nor more than two hundred dollars.

§ 8. Nothing in this act shall be construed as in any way affecting mine foremen who have heretofore been granted certificates by the Board of Examiners.

§ 9. All acts in conflict with this act are to the extent of such conflict hereby repealed.

Said substitute was agreed to.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill as amended in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John C. Pirtle,
R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
J. F. Porter,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Rihord,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,

C. F. Crecelius, Marion F. Pogue, L. F. Withers,
W. B. Creekmore, A. H. Points, J. R. Zimmerman,
Wm. S. Dean,

Resolved that the title thereof be as follows:

An act concerning the employment of persons to serve as foremen for coal mines and regulate the granting of certificates of qualification to persons who seek to act as such mine foremen.

Mr. Clay moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

The hour of 5:30 o'clock P. M. having arrived, the House adjourned.

THURSDAY, FEBRUARY 24, 1910.

The House was opened with prayer by the Rev. Niles.

The reading of the journal of the proceedings of yesterday was dispensed with.

Upon a call of the counties and Representative Districts bills of the following titles were introduced, ordered printed and referred,

By Mr. Pittman:

H. B. 503. An act to amend Subsection 8 of Section 9 of an

act entitled "An act for the government of cities of the Fourth Class," approved June 28, 1893.

To Committee on cities of the Fourth Class.

By Mr. Hill:

H. B. 504. An act to establish and maintain a public printing office at the Capitol of the State for printing, binding, and furnishing all record books, blanks and other stationery of the State and other officers; and for the printing and binding and preparation of a uniform set of school books to be used in the common schools of this State and for the purpose of all public printing.

To Committee on Public Printing.

By same:

H. B. 505. An act to amend Section 1899 of the Kentucky Statutes relating to seining, netting or trapping fish.

To Committee on Fish and Game.

By Mr. Zimmerman:

H. B. 506. An act relating to the places for holding county farmers institutes.

To Committee on Agriculture.

By Mr. Southall:

H. B. 507. An act to provide for the maintenance of children while under the jurisdiction of Juvenile Courts in counties containing cities of the First Class.

To Committee on Judiciary.

By Mr. Berry:

H. B. 508. An act to amend Section 4338 of the Kentucky Statutes relating to County Courts.

To Committee on County and City Courts.

By Mr. McVean:

H. B. 509. An act to amend and re-enact Section 1 of an act entitled, "An act to provide for the effective management and administration of the Agricultural and Mechanical College of Kentucky.

To Committee on State University and Normal Schools.

By same:

H. B. 510. An act to amend Section 10 of an act entitled, "An act concerning Circuit Courts having continuous sessions and two judges," approved March 2, 1906.

To Committee on Circuit Courts.

By Mr. Price:

H. B. 511. An act authorizing the general council of Second Class cities to protect the patrons in such cities of public service corporations, companies or individuals against extortion or oppression.

To Committee on Municipalities.

By Mr. Meyers:

H. B. 512. An act to create and establish the Kentucky State Board of Examiners in optometry, describing its duties and powers, defining and regulating the practice of optometry in this State and prescribing penalties for a violation thereof.

To Committee on Municipalities.

By Mr. W. V. Perry:

H. B. 513. An act to amend Sections 2557, 2557a and 2557b, Chapter 2 of the Kentucky Statutes Carroll's edition of 1909, being part of an act of March 15, 1894, entitled "local option law," by providing additional penalties to said sections so amended for the violation thereof.

To Committee on Kentucky Statutes.

By Mr. J. W. Perry:

H. B. 514. An act to regulate the practice of medicine and further define the liability of practicioners of medicine in the Commonwealth of Kentucky.

To Committee on Public Health.

By Mr. Klair:

H. B. 515. An act to provide for the payment out of the general expenditure fund of the Commonwealth those enlisted officers and men of the State Militia who were regularly called into active service during the late winter and spring of 1900, and who have not been paid for such services.

To Committee on Military Affairs.

By Mr. Colson:

H. B. 516. An act to provide life saving apparatus for the Chief State Inspector of Mines and assistant inspectors.

To Committee on Mines and Mining.

By Mr. Schoberth:

H. B. 517. An act to amend Section 4224, Subdivision 4, Article 12, of Chapter 108 of the Kentucky Statutes, act of March 15, 1906, relating to revenue and taxation by changing the license tax required of auctioneers.

To Committee on Revenue and Taxation.

By Mr. Robertson:

H. B. 518. An act to amend an act entitled "An act in relation to the control, management and operation of water works in cities of the First Class," approved March 6, 1906, and being Section 3024a, Kentucky Statutes.

To Committee on Municipalities.

By same:

H. B. 519. An act creating the office of official stenographer to the Coroner in counties containing a city or cities of the First Class.

To Committee on Municipalities.

By Mr. Counts:

H. B. 520. An act designating the tobacco leaf as the State flower.

To Committee on Kentucky Statutes.

By Mr. Klair:

H. B. 521. An act to amend Chapter 52, Article 1, Section 1840, Carroll's Kentucky Statutes.

To Committee on Municipalities.

By Mr. Russell:

H. B. 522. An act to provide for fire drills and instructions as to dangers and prevention of fire in the schools and providing penalties for violation thereof.

To Committee on Education No. 2.

The House took up for consideration the unfinished business from yesterday to-wit: A bill entitled,

H. B. 50. An act to create and establish the Kentucky State Board of Examiners in optometry, describing its duties and powers, defining and regulating the practice of optometry in this State and prescribing penalties for a violation thereof.

The question being taken on ordering said bill to a reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

And so said bill was rejected.

Petitions were presented as follows, viz:

By Mr. Southall:

Petition of sundry citizens of Christian County protesting against the passage of H. B. 72 and 277 and S. B. 264.

By Mr. Rich:

Petition of sundry citizens of Butler County making the same request.

Said petitions were received, their reading dispensed with and referred to the Committee on Public Health.

By Mr. J. W. Perry:

Petition of sundry citizens of Russell County asking the passage of a bill to repeal or amend the present school law known as the Sullivan school law.

Which was received, its reading dispensed with and referred to the Committee on Education No. 1.

By Mr. Rich:

Petition of sundry citizens of Edmonson County asking the passage of S. B. 68.

By Mr. Owings:

Petition of sundry citizens of Jefferson County making the same request.

By Mr. Bradley:

Petition of sundry citizens of Scott county making the same request.

Which petitions were received, their reading dispensed with and referred to the Committee on Insurance.

A message was received from the Governor in writing as follows, viz:

MESSAGE OF AUGUSTUS E. WILLSON, GOVERNOR OF KENTUCKY TO THE GENERAL ASSEMBLY OF KENTUCKY, FEBRUARY 24, 1910.

To the Senate and House of Representatives,

GENTLEMEN: It is my duty to further present for your consideration the following matters:

ELECTORS FOR PRESIDENT AND VICE PRESIDENT.

There seems to be no proper provision in our Statutes for the appointment of electors for President and Vice-President. The Constitution has no reference to it. Section 1514 fixes the date of the election of electors, and Chapter 41, Article 10 provides for their meeting, filling places of those absent, compensation and mileage, and, as far as I can find, these are the only provisions.

Under the law of the United States, the electors are to be appointed *in such manner as the State Legislature shall provide,* but there seems to be no Statute on the books which makes any proper provision by the Legislature of Kentucky for the appointment of electors and I have requested the Attorney-General to prepare an act, after examining the laws of other States, which shall carry out the system we now practice, so there will be no doubt as to the validity of any future appointment of our electors, and I submit it to the General Assembly for consideration and for such action as it shall deem consistent with the public interests in its charge. I submit that in the case of a closely contested election, the electoral vote of the State of Kentucky might be lost to the candidate of our choice by reason of our not having any law providing for the appointment of electors.

I transmit with this message copy of the report of the Attorney-General that he has searched the Statutes and that there is no Statute indexed or that can be found by the usual methods of re-search. If there is such a Statute not indexed, which is known to any member or which any one can show us after this message shall be published, it may not be necessary to take further action, but in the absence of knowledge of any such Statute, it seems to me my duty to Kentucky to call your attention to this fact. If the vote of Kentucky should ever happened to decide a Presidential election, I should wish it counted, no matter to which party it was given.

THE LINCOLN FARM ASSOCIATION.

The Lincoln Farm Association has bought the farm in Larue County on which Abraham Lincoln was born, and has nearly finished a beautiful memorial building to enclose the little log cabin in which he was born. It is a patriotic tribute to the great President whose life made the world better to live in. It is now subject to State and county taxes which have hitherto been immaterial, but now that large sums of money have been and will be spent on it to make it worthy of him and of Kentucky, the amount of taxes will be material and it is undoubtedly the wish of the people of Kentucky that it should be forever exempt from taxes, State and county. The State loses little, as the tax was only $25.00 a year and the increase in value from the improvements is practically a gift to Kentucky in which our own people have not given a great part and it is plain that we should not tax the generous gift to us. President Lincoln was born there, President Roosevelt helped lay the corner stone and President Taft hopes to attend the dedication of the memorial, and it seems due to the honor and sentiment of Kentucky to make an appropriation of $5000.00 or so much thereof as shall be necessary for the Commonwealth to be properly represented and bear its part in the dedication of this monument to Abraham Lincoln. I further recommend an annual appropriation of $1500.00 for the protection, care and maintenance of the Lincoln memorial and also the Lincoln Statue at Hodgenville. Such appropriations are worthy of American honor and patriotism. Massachusetts appropriated $25,000.00 to endow, protect and maintain the Plymouth Rock monument. Virginia has appropriated moneys for memorials for Virginia's Presidents. Illinois has made very large appropriations in honor of Abraham Lincoln. I cannot bear to think of Kentucky seeming dead to love and pride in this her great son. After all, he belonged first to Kentucky and the blood of the Kentucky pioneers was his inheritance and made him great. Let us meet this gift of our country in honor of Abraham Lincoln with open hands in

the true Kentucky way. I hope that the suggestion of a resolution naming the road from Louisville to Hodgenville and to the Lincoln Farm, "Lincoln Way," will be adopted.

THE SCHOOL LAWS.

Fifty years ago, one General Assembly of Kentucky enacted school laws which were in advance of the old laws and remarkable for the intelligence and foresight shown in them, but the State was not ready for them and a later General Assembly repealed these laws and Kentucky is to-day nearly the most illiterate State in the Union, and 300,000 children are not in school. After all these fifty years of toiling through the wilderness of illiteracy, we have taken a new start to yield to the appeal of a people in need of greater chances for their children, and just as soon as this step forward has been taken, the old re-action which has for generations bound the State down and hindered its growth and hope, begins again to find fault and pick flaws and try to push us back into the slough of ignorance and to regain control of the vast sums of moneys raised by a generous people in the holy name of education, but heretofore largely left a prey to greed, avarice and corruption. We must go forward. We cannot go back. Humanity, civilization and every heart-beat of State pride call to us to go on and not turn back. We must not let small mistakes or faults blind us to the great good which the new movement has brought to us.

We all know that our State has raised and spent more money for schools in proportion to its population and resources than any State in the Union and got less for it. Millions on millions have been poured out with lavish prodigal hand, and instead of making rich the fields of scholarship and education, have found their way through leaks and sinkholes to cesspools of corruption and fraud and have been the instruments of moral degeneration instead of righteous uplift and education. More than half of the ad valorem taxes are spent

for public education, amounting now to about three million dollars a year, and as said in an eloquent letter to me "in the amount of taxes thus paid, *as a State* Kentucky stands near the head of the list. In actual results achieved we have been near the bottom. It is the universal opinion of the public spirited men and women of Kentucky who have examined this question that the trouble has been our faulty school system, or rather lack of system. The results, considered in the light of the facts and enormous amounts of money paid, are a reflection upon our common sense, business capacity and judgment.

"We had a State University but no High Schools in which to prepare for it. We had rural schools with no course leading up to higher institutions. Until recently we had no Normal School to instruct teachers in the art of teaching. * * * * Kentucky is among the last of the States to provide for Normal Schools."

The forecast of the report of the Superintendent of Public Instruction shows that that important Department of the State Government has been conducted with very great energy, trained intelligence, earnest spirit and in a way which is of the very greatest use where useful work is most needed.

The school laws of the State were in the greatest need of radical change, and the immense fund paid from State taxes, over three millions of dollars, was not being well nor wisely spent. Kentucky was near the bottom in the schedule of illiteracy in all of the States and Territories in the Union. It was plain that something was wrong. The last General Assembly took hold of the matter earnestly and adopted a new school law. I need not review the faults of the old law, but the Superintendent shows that under the old system there were 25,000 school trustees in Kentucky, of whom 5,000 could not read nor write, and 15,000 were merely appointed, leaving about 10,000 who were elected, and that probably four-fifths of these trustees took no interest at all in the schools, and only cared for the school office in

order to abtain the power to choose teachers, whom they favored and get certain perquisites; that generally there was no local taxation for schools and this tended to decrease the local interest which is absolutely necessary for good schools; that there was no money for schoolhouses, supplies, equipment, repairs or expenses; no high schools, miserable salaries, simply each school district's share of the allotment from the school fund, few trained teachers, and little chance to secure proper training of teachers, no well defined plan of instruction for rural schools, practically no provision; the County School Superintendent's compensation was not enough, and he could not and did not devote his whole time to the schools, but had to practice law or medicine or do some other work to help make a living, and many of them used the pay simply as extra money without doing anything for it; there were no school libraries; little interest among the people in schools and little interest among the teachers and pupils.

He reports that under the new school law, the 25,000 trustees are reduced to 8,000, and that they are elected by people who take an interest in electing them, and are, as a rule, qualified to be trustees; that there is a fair amount of money for buildings, equipment, repairs; high schools in operation, teachers' salaries may be increased; that public sentiment is demanding Superintendents who will give their whole time to the business, and that the people are now intensely interested in the welfare of the schools, but that in seventy-five per cent of the reports sent in to the department, the accounts of the expenditures of the moneys are so grossly incorrect and garbled, that it is almost impossible to know how the funds stand even after repeated efforts to find out, and thousands of dollars are annually squandered through neglect, carelessness, incapacity and worse; that the Department has saved the State a good many thousands of dollars by the checking-up system, and more could be saved if there were enough office force and inspectors to handle and see to the wise, faithful and good use of the State funds.

The State University and the Normal Schools have done splendid work in fitting young men and women for teachers, but there is a great deal more to be done yet than has been done.

The total number of children of school age, according to the census report, was 739,836, but there were enrolled in schools only 519,192, so that more than 220,000 were never even enrolled. The average daily attendance for the year was only 311,192, leaving the number of pupils not attending any school, 417,664. In other words, more than 106,000 more Kentucky children were never in any school during the whole year than the 311,192 who were and three hundred thousand of these Kentucky children could not go to school because there was no school-house for them or no teacher. When we have $3,000,000.00 a year for schools and only 311,000 children in school, and 416,000 out of school, and 300,000 who cannot go to a school because they have no school, something must be done about it right away. With all that money there should be school-houses and teachers for every child in Kentucky. We raise the money, but we do not take proper care to see that the children get the worth of it.

A large part of this money would be saved by a good and thorough system of inspection to see who gets each remittance, how they spend it, so that the money could be withheld or recovered from those who do not use it right or to the best advantage. The shame of illiteracy is the greatest shame of our State. We must never rest until the ban is lifted. It is not from lack of money, for the provision is very generous, but lack of sound system, thought, management and care in using it. A great business enterprise is always guarded by hard working, planning, study, inspection and auditing to get the best process, machinery, materials and apparatus, and prevent loss, waste and misuse or neglect after they are secured, but we exact from all the property and earnings of the State three millions of dollars a year, get it into the treasury and then shovel it out in half million loads, to be in turn sent out promiscuously on per capita basis to

whatever names are sent in, without any knowledge of their fitness or fidelity, with no chance generally to know whether they can or will use it sensibly and faithfully. Then when the end of the year comes, we find that we have poured out a vast treasure for teaching our children, into unknown channels and that instead of its doing what it was meant to do and could have done, more children have had no school than those who have had any, and three hundred thousand have had no school or no teacher. The supervision of the use of this money should be vigilant and unceasing.

The School Law of 1908 for the first time established a general and well organized system for all of the Public Schools of the State and the greatest benefit secured by it was for the improvement of the County Schools. It put the whole system on a regularly organized business basis, the Country Schools having a prescribed course to make students fit for the County High Schools, and the County High Schools leading up to the University. There never has been since Kentucky became a State such interest in public education as has resulted from the operation and discussion of this new law. It has been felt in every school district and home in the State and it is an inspiration which we may hope will lead our State to better things and happier and better living.

It is reported to me that during the year last past, 308 new County School buildings have been erected and completed in Kentucky, nearly one a day excluding Sunday. That more have been repaired. That 52 counties have established County High Schools, from one to five in a county, and in all 75 new County High Schools have been opened in the State, a year in advance of the time within which the new law required their establishment.

While experience has shown that the new school law is not perfect, it is plain that it has greatly improved the schools generally, and that the campaigns for education and other work of the De-

partment, there has been a general awakening of interest of the people in them, but it is still a fact that our great State school fund, over three millions of dollars sent out by the State to the various counties, has not been and cannot be, under the present system, properly handled.

This Department has an enormous income, almost all of which is disbursed on the per capita census, without any supervision as to whether, when it reaches the counties, it is wisely, properly or even honestly used. It is often spent for teachers who are not competent and who get their places by favoritism. The Superintendent believes that half of this splendid fortune each year, in other words, *a million and a half dollars, is absolutely wasted.* With such a great fund to administer for such a vast number of schools and teachers and so many duties and so much to do, a larger force is needed in the office of the Superintendent for handling three million of dollars when it requires so much work and such intelligent work.

Before the new law, each little school district was the unit of school government and taxation, so that districts controlled by men who cared more to escape taxes than for good schools and comfortable school-houses, starved the schooling of their children, and at least a million and a half dollars a year of school money was improperly used, or wasted or spent on incompetent friends or relatives as teachers and sometimes stolen outright. Thousands of unfaithful agents and trustees thus wasted or appropriated the common school moneys and are now clamoring against the new school law and against further good changes, and scheming to get the funds in their control again.

For the love of our Kentucky children, for the hope, the honor, the welfare of Kentucky and for the future of the Commonwealth, let us set our faces against every effort, under whatever excuse, to lose or waste the advantage which has been gained and let us use

all our sense, courage, honor and faith to hold fast to the new plan and only change it to carry it farther forward, to greater blessings and gain for humanity and knowledge.

THE KENTUCKY NORMAL AND INDUSTRIAL INSTITUTE.

The Normal and Manual Training School for the negro teachers, which has a large attendance and is doing a great deal of good, wishes to share the bounty given to the White Normal Schools, and asks an addition of $3,000.00 a year to their annual maintenance fund, and also a special appropriation of $9,000.00 for the purpose of heating, equipping and furnishing the administration building, for cement sidewalks, for beautifying the grounds and for other needed purposes. I am not advised of any of the details of this, which should be explained to the General Assembly, but the request is modest in proportion to the bounty extended to the State University and Normal Schools for white teachers, considering the great number who will be helped by it, and I am sure the General Assembly will give this petition kindly and generous consideration.

THE KENTUCKY HOME SOCIETY FOR COLORED

CHILDREN is in good hands and is doing as well as it can with its means, for colored children who are left orphans or neglected or abused, what we have made generous provision to do for white children. These colored children are quite as helpless, quite as needy as the white children, and I recommend their application to favorable consideration.

GOOD ROADS LEGISLATION.

I think the adoption of the good roads amendment to the Constitution very fortunate for the State. It opens the way to the very greatest improvement in the condition and happiness of the people.

I hope that this session will carry it into effect and provide for building good roads on a system useful to all of the people, guarded by State supervision of the selection of systems and of which road in each system to build first, the route, grades, distance and kinds of roads and best construction. There should be first a State Engineer with such engineer assistants and employes as shall be necessary to prepare a road map of the whole State, showing every road of the class which should be treated as State roads, the distribution of the population and business using or needing such roads, a calculation to show which localities, by reason of the total of their travel and transportation, most need roads, to establish trunk lines from which tributary roads may lead. The Chief Engineer for the head of the road service should be selected solely for his knowledge and tried ability to plan an extensive system of roads, without regard to residence or politics, and a competent man cannot be secured without a fine engineer's salary. He should prepare for the next General Assembly comprehensive plans for a system of roads and estimates of the time and cost to build them and the time reasonably necessary to build the system for the State, and the order of building, as indicated purely from the transportation and travel point of view.

An appropriation of $25,000.00 or so much thereof as is necessary will probably be sufficient to cover the expenses of preparation before the next session, but it is desirable to enact a good roads law at this session, using as guides the best State laws now in force. The greatest dangers in such undertakings will be from favoritism and extravagance, in starting more roads than can be afforded, or are really seriously needed, or roads beneficial to special interests or men of influence, and either not finishing them or not keeping them up after they are finished. The best guard against this danger is to make the State contribution a small part of the cost, not more than enough to induce the parties to submit to State control and supervision. The percentage of State aid ought to be at the discretion of the State Engineer or Board, but never to exceed a fixed per cent of the actual,

reasonable, certified cost audited by the State Engineer and contracted for by the locality. The State should never contribute to keeping up roads once properly built and aided, and should only help build after the local authorities or people have contracted, on the form and safe conditions prescribed by the State, to maintain the road, and power power should be given the State through its Chief Engineer to repair or maintain any such road and collect once a year from all responsible therefor. Conservative and careful beginning the good roads work will insure success. Poorly laid plans, haste, lack of thorough investigation and knowledge, heavy initial expenses, a lot of officers selected on partisan or any but sound business lines will wreck the whole plan and leave us worse off than ever.

It is now possible to enact that good roads shall be "Public Works" and a great deal of help for good roads can be secured by employing on roads which would not otherwise be built, such part of such convicts as are not dangerous and as can be spared, without violating State contracts. A large number have been idle this year whom we ought to have had the power to put to work on the dirt and rock excavations for the new Capitol. It would have saved the State several thousand dollars.

THE UNIFORM ACCOUNTING LAW is a very important measure and will be of very great value, usefulness, protection and economy to the State.

THE NEED OF A CONTINGENT FUND.

There is very serious need for an appropriation of $5,000.00 a year, or so much thereof as may be necessary, to be expended under the direction of and accounts furnished by the Governor. The General Assembly has invited the next Governors' Conference to meet here, and there is no provision for their entertainment, except at private expense, and the officers of the State ought not to "pass the hat" for

such things. At the last Governors' Conference, the expenses of the place to meet and the reporting and printing the proceedings was ordered divided between the States represented, in proportion to population, and all but two or three States had contingent funds to pay their shares, but Kentucky had none and for the good name of Kentucky, I personally assumed Kentucky's part, not a large sum, beside paying all expenses of representing the Commonwealth at this and the former conference, both of which were of solid and great worth to the State. Unless provision is made now, the conference to which we have invited distinguished guests, the chosen Governors of our sister States, who will come with generous ideas of our State pride in Kentucky hospitality, may be held here and have to depend on private generosity for their impressions of Kentucky.

The President of the United States visited Kentucky at the dedication of the Lincoln farm, and there was no provision for paying the respect to that visit which, for such a people as ours, it was poor manners not to pay, except a small militia escort, and there is no provision for the President's visit this year.

There is great need for the Governor to visit all of the public institutions frequently to see how they are conducted, but he is not allowed to use passes, and the expenses of traveling and hotels are very considerable, so that he cannot, as a rule, afford this expense.

Besides this, whoever happens to be Governor, is continually appealed to to help various public occasions and enterprises by his presence, and his attendance on practically all of these occasions is not for his personal nor political interest or benefit, but solely for the public good, and there is some feeling of disappointment and compaint if he does not attend, and yet the occasions in a year are many and the expenses considerable, and rarely thought of by those who invite him, and if the General Assembly wishes the Governor to act for the State in such conferences, attend on these occasions, to

visit the public institutions and to have the State do its part on important visits of distinguished guests, there should be some provision made. The act should expressly provide against any part of the contingent fund being used for any political or partisan purpose or for expenses of travel or entertainment in political campaigns or for any purpose except the public service and non-political occasions. Some such provision is necessary for the good name of the State and will be of great benefit and usefulness.

FIGURE-HEAD OF THE BATTLESHIP "KENTUCKY."

The Navy Department has removed from the battleships all figure-heads, and the figure-head of the battleship "Kentucky" has been tendered to the State. It is a large, handsome and expensive design and I understand weighs several tons. I have a letter, copy of which is herewith forwarded, from the United States Navy Yard at Norfolk, Virginia, advising me that by direction of the Navy Department, the figure-head of the battleship "Kentucky" has been prepared for shipment to Kentucky, and that before making shipment, information is desired as to the routing preferred and any other instructions we may care to give, and that the transportation and handling is to be free of any expense to the government of the United States.

The matter has been submitted to the Capitol Commissioners and our impression is that this figure-head would make an attractive exhibit for the new Capitol, but as it weighs several tons and I am not sure there is any fund which we can use for this purpose, I would suggest that the sum of $200.00 be appropriated, or so much thereof as may be necessary to handle and transport this figure-head to the Kentucky Capitol and set it up there. The Superintendent has a picture of it which can be examined by any of the members desiring to see it, but I have suggested this sum to be sure we have enough. No more will be spent than necessary.

PENAL INSTITUTIONS.

I have been compelled to wait on the report of the State Inspector and Examiner, who has been delayed by the unfortunate illness of Mr. Brown, to submit some suggestions on the penal institutions.

Briefly, I believe it would be a great economy and benefit to put the prisons and Reform School under the bi-partisan Board of Control, and thus take all of the State institutions out of politics and keep them out. The election of the prison commissioners by the General Assembly took over a purely executive function and soon made the creature of the Assembly the master of its Creator. It always works that way. I believe that when the contracts shall be fulfilled, all but dangerous criminals should work on State farms and State roads and other pubic works.

I earnestly recommend the enactment of the Indeterminate Sentence law, one of the best fruits of the great care and thought given of late to the punishment, treatment and reclamation of criminals and wrecked lives.

The new dormitory at the School of Reform was so absolutely necessary that after making an examination on the ground, I promised to recommend an appropriation to pay for it and I hope that it will not be overlooked, but will be given as requested.

INCREASE STATE LIQUOR LICENSE.

I recommend the increase of the State license fee to $500.00 for each saloon, and strict regulation and ready forfeiture of license for any material violation of the law.

INCOME TAX.

We collect taxes as the contribution of each tax payer for the protection and care of the State, and those who have incomes have

something to contribute from. The best way is for each one who has an income, to give his part or tithe. While they who have property but bury the talent in the ground and make no income should be pushed to work and make income by taxing their idle property and buried talents, the bulk of taxes will always be paid out of our incomes, no matter on what property laid. The State Government needs the money. The Federal Government, which has already the power under which it collects over a billion dollars every term of Congress, and which collects from Kentucky for the Federal Government millions of dollars more every year than the State collects for its government, does not need more. Why not, then enact a Kentucky income tax now, before Congress does it and pay our debts instead of borrowing money or standing off the creditors? Why not take advantage of the wave of acclamation for income taxation which prevails? Will it come any easier for the Federal Government than for our own State? Too many people jump at the thought, that income taxes take some of the burden off of the many and put it on the notorious rich, none of whom live where we do and none of whom are our neighbors. But the income of all these multimillionairs will pay only a small part of a National income tax. It will take one or two millions a year out of our people and we give the power as lightly as one offers a cigar. All it needed was for some man, whose thinking did not equal his voice, to clamor for it and everybody jumped to make the greatest State's right State in the Union, cast what is probably the deciding vote for the greatest grant of power to the Federal Government over the States since the Constitution was first adopted.

No one ought to oppose giving our country power to levy an income tax if needed to save it in war or other great emergency, but we are on a National income tax "joy-ride" for the Federal Government whether it needs it or not, and no matter what we pay already. Let us seize on this best chance of all to pay our debts and raise everybody's salary but those forbidden by the Constitution.

THE ELECTION LAWS.

I do not think it wise to try to make any general revision of the election laws at this session, but it is my duty to call the attention of the General Assembly to some plain faults of the present election law, which I think every good Kentuckian ought to wish to change.

The first is that we should repeal so much of the present election law as provides for the issue of certificates of registration. It is reasonable to believe that it was made a part of the law to guard against fraud and against people voting who were not authorized to vote, but it has been taken advantage of to corrupt elections by buying registration certificates, and in some cases turning them over to other men than those who took them out.

The provision which prevents putting the same name under more than one design on a ballot is not a help but a hinderance in the selection of good officers, especially in the case of Judges. There have been many instances where both parties desired to nominate the same Judge because of eminent worth, merit, integrity and impartiality in the conduct of the sacred office of Judge, but the present law prevents this. If any Judge or any other officer so faithfully serves his people that two or more parties wish to support his election, there should be nothing in the law that prevented this reward to a good and faithful servant, who has done well.

UNIFORM OR STANDARD LAWS.

The General Assembly of Kentucky took a great and wise step forward when it adopted the standard law on commercial paper. Equally good standard laws on sales, warehouse receipts and bills of lading have been prepared under the same auspices, with the same wisdom, skill and care and are ready for adoption here and are needed to put our State in line with the best methods and rules of business and to lessen the enormous expense which we have to pay every year

for adjusting the different rules for many States which govern transactions which do not differ in their nature or proper control and ought not to be gvoerned by rules which do differ.

SCHOOL SUFFRAGE FOR WOMEN.

I endorse earnestly and commend to your favorable consideration the measures proposed for conferring suffrage upon women in school matters. Our tribute to the honor, the intelligence, wisdom and fidelity of women is not a service of the lips, but of faith of the heart. I believe that their having an active, lawful part in elections for School Trustees and Officials, Superintendents, etc., will do as much as any other one measure to improve the schools and help make them more useful. I believe that the women will give more care, better care and more appreciative intelligence to it than most men can give, and I earnestly hope that this General Assembly will not come to an end without adopting some measure for this purpose.

STATE BANK EXAMINERS.

There are only six States in our country which have no law to protect the people by officially inspecting State financial institutions, and Kentucky is one of the six. It is a great honor to our people that without such inspection there have been so few losses through our banks and trust companies, but there have been enough to show the need, even in Kentucky, of effective, vigilant inspection of all institutions which receive deposits. The national banks are examined rigidly and it has proved a great protection. Our State banks and trust companies are practically not examined at all and hold a great many millions of dollars of money entrusted to them, and expose thousands of people to serious and distressing losses which are liable to happen at any time throughout the year, and it is clear that the time has come to take effective action about this. A bill providing for the examination of State banks and trust companies under public

authority was introduced in both Houses in the last General Assembly and favorably reported unanimously by the proper Committees in both, but they failed to pass probably because they were not reached in time. Recent exposures and losses through some of the State banks have drawn especial attention by the people to the need of rigid inspection and examination. Stockholders and depositors have been ruined or suffered serious losses, and some bank embezzlers have been convicted and sent to the penitentiary, and nearly all of this loss and sorrow might have been prevented or at least greatly lessened if there had been the examination and inspection necessary to protect depositors and stockholders of these institutions. The institutions themselves wish the law. It will help protect each bank against its own officers, and every bank against loss by other banks. It will guard against failures which hurt all banks whether they have any deposit in the bank which fails or not. Every failure shakes the confidence of people and injures the business of banks, and disturbs credit and confidence throughout the State.

UNPAID DEBT TO THE MILITIA OF 1900.

The great troubles of the State in 1900 resulted in the officials then acually in office ordering the three regiments of the State Guard on duty in active service. They were not volunteers, but were enrolled officers and soldiers of the Kentucky State Guard and were required by law to respond to the orders issued by the proper authorities then in office, under penalty of the usual punishment under martial law for failure to obey orders. At the end of the trouble, they were relieved from duty and returned to their homes. Their pay rolls were made out according to law and upon the usual terms and a part of them were paid on warrants issued by Auditor Sweeney; but before all were paid, there was a change of State Government and the new officers either refused or failed to go on with the arrangements for their payment. Some of these commands brought suit against the State officers and the claims were decided by the courts, and the

Court of Appeals held that the officers and men were entitled to pay according to law for the time of their service, but most of the officers and men failed to bring suit within the time required by the law of limitation and there still remains due to them the amount provided by law to be paid for the time during which they were under orders of the State Government, compelled to serve the State, and it has been the opinion of the Attorney General that the claims are barred by limitation, but the Court of Appeals has decided, and it is true, that these are just claims against the Commonwealth of Kentucky for compulsory service commanded and required by law and by authority of these enlisted officers and soldiers of the State. The claims amount to about $30,000.00. A memorandum of the amount has been furnished by the Adjutant General's Department, compiled from the pay rolls, and I have requested the Attorney-General to prepare and submit to the General Assembly a bill providing for the payment of this just debt and obligation of the Commonwealth of Kentucky. It is undoubtedly a just claim and these men should be paid, and I trust that the General Assembly will make provisions for its payment.

The Executive Department does not feel authorized to audit and approve the claims without the authority of the General Assembly. The soldiers and officers were simply obeying orders, and it is less respectable for the Commonwealth to plead limitations or evade the payment of this just obligation than it is for a man of character to plead limitations to a debt which he knows to be just, and which has been adjudged by the highest Court of the State to be just.

I submit the matter to the General Assembly with the earnest recommendation that the bill submitted or some bill which will provide for the payment of the amount that the Commonwealth of Kentucky owes to these officers and soldiers, be adopted.

THE RAILROAD COMMISSION.

I call your attention to the annual report of the Railroad Commission. The great usefulness of the Public Utilities Commission in the State of New York, leads me to believe that the attention of the people should be directed to the need and usefulness of a Public Utilities Commission in Kentucky, to have supervision and control under proper laws of the operation of all public utilities, railroads, telephones, telegraphs, the express business and all operations of that nature.

THE EXPENSE OF TAKING CARE OF THE NEW CAPITOL AND GROUNDS.

The appropriation of 1908 for the care of the new Capitol and grounds is not sufficient to take suitable care of the property. The State has a magnificent Capitol with splendid furniture, fixtures and fittings, with a splendid power house and very extensive machinery, and a park which gives promise of great beauty when it shall have been properly graded and provided with roads and paths and ornamented with trees, shrubs and greensward, and it will be necessary to do the best housekeeping and use the best care to prevent waste, injury and loss and destruction of the beauty of the building, the furniture and the grounds and the usefulness of the machinery. The appropriation made by the Act of 1908 has been sufficient up to the present because the new Capitol was not equipped until the Fall of 1909, but there are thousands of square yards of beautiful floors to be cleaned daily. During the sessions, the Legislative chambers require the constant care of a large force, and at all times during the year, the public offices and the Court of Appeals and rooms set apart for the Judges, the library and the power house, need a large force of very competent employes, and as soon as the grading and planting shall be completed, it will be necessary to have

several men constantly engaged in keeping the grounds in order, and cutting the grass, attending to the shrubbery and in planting and trimming, and keeping the walks and roads neat and clean, and there should be a sufficient force of watchmen to guard the buildings and offices, day and night, and prevent nuisances and trespass upon the grounds.

The experience of the Board of Capitol Commissioners since the occupation of the building has shown that there should be an appropriation of not less than $25,000.00 a year for the care of the Capitol and grounds. This will be handled economically and at some times in the year the force can be reduced, and additional help employed at the times of the meetings of the General Assembly and other occasions, and I recommend to the General Assembly to make the appropriation of $25,000.00 a year for the payment of the necessary force to take care of the Capitol and the grounds and power house and machinery and apparatus.

LAND OFFICE.

From time to time there are handed to me patents prepared in the Land Office, to be signed, conveying various quantities of land in different counties. I know nothing about the lands or their value and the State receives nothing from them, except the fee for the patent of $2.50 under ten acres and $5.00 for a patent for more than that. These lands belong to the State. The title is uncertain. The county gets five cents an acre, the State gets nothing but the patent fee. It is sure that there is no sense in selling any land in Kentucky for five cents an acre and the fee for a patent. It is either worth more or it is worth nothing, but there is no way of knowing what it is worth. Under such a patent on land not previously known to be valuable, coal lands or other valuable mineral deposits worth very large sums, may be sold for five cents an acre to the county,

the surveyor's fee and the patent fee. There could be no worse management than this present system and it should be changed at once. The Commonwealth should receive the whole price of the lands patented. It should proceed to ascertain what lands it has that are not patented and what their value is and should not sell them until the full value is paid into the State Treasury, and in case of valuable deposits, should lease them at a fair royalty, and all forest lands should be reserved and timber only cut under proper regulations. At present it costs the State more than it takes in to keep up this system, and it is a reproach to our business sense and management. Furthermore, any law of limitation, in so far as it may permit 15 years adverse possession to be a good plea against the Commonwealth, should be repealed.

I recommend the repeal of Chapter 136, an Act concerning vacant and unappropriated lands.

TO ENFORCE THE CONSTITUTIONAL LIMITATION OF COMPENSATION OF OFFICERS TO $5,000.00.

Your attention is further respectfully called to the fact that no legislation is now in force other than in counties of 70,000 or more inhabitants, whereby Section 246 of the Constitution may become applicable to all officers of the State who are receiving as compensation for official services more than the provision of the Constitution permits. The said provision is as follows:

"No public officer, except the Governor, shall receive more than $5,000.00 per annum as compensation for official services, independent of the compensation of legally authorized deputies and assistants, which shall be fixed and provided for by law. The General Assembly shall provide for the enforcement of this by suitable penalties, one of which shall be forfeiture of office by any person violating its provision."

There was an act of the Legislature affecting counties over 40,000 and under 70,000 but that act, I understand, has been repealed, and I am informed by those whose duties require them to know, that even in some counties of less than 40,000, certain officers, after a reasonable allowance to deputies and assistants, receive more than $5,000.00, directly in face of the Constitutional provision.

DENTAL EXAMINERS, ETC.

The Dental Examiners' report shows balance on hand of $2,092.80, of which $1,500.00 is in stocks and bonds. It shows six months expenses $484.58, the balance being $1,608.22 on hand against $422.80 on hand at the last report.

I am inclined to think that all of these fees of the Dental Examiners, Barber Examiners and all these different Boards created by the State ought to be paid into the Treasury, and the compensation and expenses paid out on claims allowed by the Auditor, so that the Treasury would have the benefit of the deposit of these funds. There is some objection to it in that it would take longer to have expenses paid, but nowadays, claims are audited very promptly, as a rule, and we have very little complaint on this ground.

THE MILITIA.

The experience of succeeding generations of our race ever since it was organized in government, has led to a military establishment in every country and State, and in our country and in our State, for the protection of the people and their government, and in order to enforce the law in times of excitement, oppression and prejudice. It has become the policy of our country to maintain and have ready for immediate use, State Guards or Militias in addition to the regular army and navy. Congress has gradually developed a system of large appropriations for the State Militia, in order to make our country

safe by having a large force of trained soldiers ready to join with the regular army against any invader or foreign foe, and the Government now spends millions of dollars every year to organize, develop and prepare for service of this auxiliary army, which it is the part of wisdom to make much greater and stronger than the regular army, so that in case of a great national emergency, several hundred thousand soldiers shall be ready, on a day's notice, to march to the defense of the flag and to repel attacks upon our country or its government. The hearts of our people are devoted to this plan. It is our pride and our bond of safety. In many of the States the old system of the annual training, the militia meeting once a year or at very rare intervals and practically at the expense of the officers and members, has been changed to a strong, thoroughly organized, compact, reliable and powerful State Guard army.

The Adjutant-General's report shows that in some parts of the country, States pay as much as $71.11 a year for each soldier's maintainance in the State Guard. Our appropriation is about $10.80 for each enlisted soldier. The Government allowance amounts to about $42.80 per man, and during the last year, the United States, through the War Department, allotted to the State Guards of Kentucky, the sum of $79,139.45, which was decreased by $4,869.77 for arms, stores, clothing and properties not accounted for or lost and destroyed under the previous administration, our claims for allowance of which were not allowed by the War Department because no proper accounts nor records were kept, but the net sum of $74,268.68 is still nearly four times as much as the appropriation of $20,000.00 by the General Assembly.

Disregarding any service rendered by the State Guards to the State itself, it seems that the people of Kentucky are as patriotic and make as good soldiers as the people of any other State in the Union. Indeed I believe Kentucky is more clearly pure American

than any other State and that no State can furnish soldiers of a higher average of moral courage, American spirit and physical strength and courage than our State, and that our present State Guard, man for man, has more trained and seasoned soldiers than a like number of any other State Guard in the Union, and I have cherished a wish that we should win back the old fame of Kentucky riflemen and that the small force of State Guards, which we shall have in readiness to answer the call of our country in case of sudden danger, shall be second to none in character, appearance, equipment or fitness. Our people had rather have none than have a State Guard which cannot compare favorably with a like number in any other State, and we cannot have that on an appropriation of $20,000.00 a year on the part of Kentucky, or an average of about $10.80 a man, when other States spend all the way from twice as much to six times as much per man, and I lay the matter before the General Assembly with the earnest request and hope that our pride in our own State Guards and our own people and our love of our country shall combine to induce the General Assembly to make ample provision for making such force as we do maintain, equal, if not superior, to a like number in any other State of the Union, not only equal in the ratio to the population and in appearance, but in actual power to protect our country and our institutions and in actual worth as true soldiers and gentlemen.

It is true that it costs a good deal of money to maintain this force properly, but it is a trifling per cent of insurance and nothing that the State spends brings more for the money. The State Guard has been kept entirely free from all political influence. It has in no case been used for any partisan purpose nor in any field or work other than for the whole people without regard to faction, party or interests. It takes hard work and a good deal of money to make first class soldiers, and not only with it costs the State, but it is necessarily a heavy expense to the members of the State Guard,

the soldiers and officers, a great deal more for each of them than the taxes for it can be to any like number of our people. It requires drills at least once a week, labor in keeping clothing and equipment neat and perfect for inspection, care of the Company property, the keeping of accounts with the Government and with the State, the making of proper returns of all of these things, and more than all, it requires a great deal of time of every man connected with the Guard in strictly military duties and involves great inconvenience in being absent from home on drill nights or drill days, in the interruption of a man's usual employment, and at times involves weeks of absence from home on arduous duties and exposed to inclement weather and sometimes to dangers peculiar to the soldier, and there is very little to reward these splendid young men for this splendid service either in drill or on active duty.

Our young men become members largely from patriotic impulse and pride in learning to be good soldiers and in working out and exemplifying the power and beauty of organization, discipline and obedience. The lesson of learning to obey and of knowing the value of organized effort as against disorganized effort is of itself a great school for our young men, teaches many of them lessons which they can get no where else, makes them better men and better and more useful citizens and adds immeasurably to the strength and hope and the safety of the Commonwealth. These men are obliged not only to give their time and hard work and absence from duty, but in nearly every instance, the members of the State Guard are compelled to travel some distance in the cities, by street cars and other conveyances, and in the country by conveyances of their own or their neighbors, to attend the drills, and under the present law, no pay can be given for attending drills, and this adds to the difficulty in securing full attendance, without which the drills are far less useful than when the whole company or body is present. Other States pay 25 cents a night, or more, for every man who at-

tends, and in most cases, this would pay a large part of the expenses which a man must incur to attend a drill, and which is a serious thing especially to the privates, many of whom are employes working for small wages, to whom every street car fare is a material expense.

I recommend to the General Assembly that the appropriation of $20,000.00 per year for the whole State Guard, be raised and increased to an appropriation amounting to $50.00 for each member of the State Guard for each service year of active membership, amounting in all to as many times $50.00 as the average full year's service for the year shall number, so that if the average number of soldiers for a whole year is 1,600 men and officers, the appropriation should be $80,000.00, and it would perhaps do to appropriate that sum, or if the General Assembly chose to limit it, the sum of $80,000.00 could be appropriated, provided that the total amount expended for the appropriation should not exceed the sum of $50.00 per man of the total average number of enlisted men and officers for each year, and with the special provision that each man and officer attending drill at the appointed times, not exceeding once a week, shall receive and be paid 25 cents for his attendance throughout the drill as recorded and reported in the Company records.

It costs the Government something over $6,000.00 to equip one of our regiments. The Government furnishes the arms, ammunition, clothing and all equipment. It is estimated that the cost of paying 25 cents a night for attendance at drill would amount to about $25,000.00 per year, leaving a fund of $55,000.00 to use in providing suitable quarters, armories, lockers, etc., for the organizations, which is not as a rule properly done by the counties and should be done by the State.

This request involves no partisan nor party consideration. I have never inquired as to the politics of any officer, soldier or Company nor have I given any consideration or influence to politics in the State Guard. Most of the officers and men of the State Guards

now were elected, appointed or organized under the previous administration and no change has ever been made for politics nor has there been any question in the detailing of any officer or organization to duty as to political affiliation or feelings. They have been treated uniformly as belonging to all the State and serving the whole people, and as a matter of fact, the Governor does not know the politics of a dozen officers of the whole State Guard and cares less than he knows, but assumes that a majority of them were in sympathy with the previous administration under which they were brought into service.

It is only for the good of the whole State and the honor of the name of Kentucky and of the soldiery of a people who have been rich in military history, traditions and soldierly character, that I present this matter to the General Assembly in this earnest way and ask them to take prompt and effective measures to make our State Guards better than, or at least as good as, any like number in any State in this Union, so that we shall not be ashamed, but shall be proud of them in any Company in peace or in war, and I feel great confidence in making this appeal that our care for the honor of the State and for the glorious history and traditions of Kentucky soldiers, will not permit delay in prompt and efficient measures to put the State Guard in first class condition.

POLLUTION OF STREAMS.

I feel it is my duty to ask your earnest attention to the question of pollution of streams. The General Assembly of Kentucky has jurisdiction of the Ohio River to the low water mark on the north side. It is well known that the city of Louisville and other cities get their supply of water for drinking, cooking and other uses of our people, from the Ohio River, and yet all the sewage of the City of Cincinnati and other cities and towns on the river and at Louisville,

is poured into the river to be carried down to cities below. I cannot but think that it is inhuman and criminal to subject hundreds of thousands of good and decent people to drinking water exposed to pollution and contamination from the offal, sewage and filth of cities higher up the stream, and I submit to the General Assembly that it is necessary to the health of the State and a duty to humanity and decency to put an end to any pollution of running streams. We have had a great deal of trouble from the contamination of Elkhorn by the Oil Refineries at Georgetown. The fact that they are great business establishments, which help build up the Commonwealth is no reason to suffer that or any other manufacturing establishment to pollute the running streams, make them unfit for people and animals to drink, kill the fish and destroy or injure the use and pleasure of these gifts of Providence. I should not set mere sport against the benefit of a great industry, but there is no reason why both cannot be enjoyed. I am glad to learn that a great deal of care and pains have been taken by the Refining Company to end the abuse. I commend the subject to the General Assembly to consider the question, and recommend that after examination of the Statutes of other States, a comprehensive Statute be adopted providing against the pollution or contamination of running streams or lakes or ponds, by sewage or chemicals, or waste or offal from cities, hotels, manufacturing establishments or other possible sources of pollution, and I think it is a very reasonable and wise expense to provide for the appointment of competent inspectors to investigate the question of pollution of streams by sewage, factories, slaughter houses, distilleries and other means and the probable effect upon the enjoyment of the lakes and running streams and water used for drinking and cooking, and that there should also be a provision for not less than two inspectors, whose duty it shall be to inspect and report and prosecute unlawful pollution and contamination of streams and lakes.

The German rivers are officially guarded from being polluted by factories, which are required to use every precaution possible to

prevent even a particle of the waste reaching the streams. The water must leave the factory in an absolutely clean condition, free from any remnants from the manufacturing process, and this is secured by sending it through one or more settling ponds, and if necessary, filters, and the German streams are regularly patrolled by inspectors, and any just claims that the water is polluted are at once investigated and must be corrected regardless of the cost. There are no express regulations as to the exact method which must be employed and each party can use his own ideas and methods as long as he fulfils the requirements, but settling ponds are invariably used and the results are always satisfactory. The inspectors make regular investigations of the disposition of waste materials, etc., and the county authorities have charge of the licenses to the factories and the inspection. The law is enforced to the letter, and any violation, whether intentional or not, makes the factory pay all costs of removing the pollution from the streams.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

Frankfort, Ky.,
February 23, 1910.

Hon. Augustus E. Willson,
Governor of Kentucky,
Frankfort, Ky.

Dear Governor:

In answer to your inquiry as to whether or not the laws of the State of Kentucky provide the manner of selecting electors for President and Vice-President, I would respectfully make the following reply:

I have made a careful examination of the Kentucky Statutes, compiliation by Carroll (1909), and the preceding compiliations of the Statutes of the State, and I find no statute expressly providing

the mode of selecting Presidential electors. I have also made an examination of the volumes of the Acts of the Legislature for a considerable period back in the history of the State, and find that in 1836, on January 22, Acts of 1835, page 31, the Legislature enacted a law providing for the mode of selecting Presidential electors. As far as I have been able to discover, this is the only Act of the Legislature on the subject, fixing the mode of selecting these officers. There may have been some other act subsequently passed, but, if so, I have been unable to find it after diligent research, possibly due to bad indexing of the books. It is my best judgment however, that this is the only act that the Legislature has ever passed on the subject, and that perhaps it is still in full force and effect. And yet, there have been several changes in the Constitution, and revisions of the general laws of the State since that date, and there is sufficient uncertainty on a question of this importance to require the re-enactment of some law on the subject.

It may be that Section 1514, Kentucky Statutes, which provides for the time of electing these officers, when construed in connection with the long continued policy of the State in selecting these officers by a vote of the people at the polls, would be sufficient to protect the electoral vote of the State of Kentucky, in case of some question arising as to the legality of its electoral vote for President and Vice-President. It would seem, however, that it is unwise to take this chance, when the matter can be made perfectly plain by a simple enactment, saying that they should be elected by the people at the polls.

I herewith enclose you the proposed Act, which I think will accomplish the purpose. It is an amendment to Section 1514, and the material change is in the following words: "And said electors shall be chosen by the qualified electors of this Commonwealth in the same manner as is provided by the general election laws for the election of State officers."

Thus it will be seen that this Act expressly provides the mode of selecting electors, and is an exercise of the power and authority vested in the Legislature of the State, to determine the mode of selecting these officers, as provided in the United States Constitution.

Yours truly,

JAMES BREATHITT,

Attorney General.

AN ACT to amend Section 1514, Kentucky Statutes, Carroll 1903, providing the number of, time and manner of selecting electors of President and Vice-President of the United States.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1514, Kentucky Statutes, Carroll 1903, be amended by adding after the words "Vice-President," in the last line of said section, the words, "The number of electors shall be equal to the whole number of Senators and Representatives in Congress to which this Commonwealth is entitled at the time the President and Vice-President to be chosen shall come into office; and they shall be chosen by the qualified electors of this Commonwealth in the same manner as is provided by the general election laws for the election of State officers. The electors of President and Vice-President of the United States, so chosen, shall be qualified electors of this Commonwealth; but no Senator or Representative in Congress, or person holding an office of trust or profit under the United States, or this Commonwealth, shall be an elector," and that said section, as amended, be re-enacted, and when so amended and re-enacted shall read as follows:

§ 1514. PRESIDENTIAL ELECTORS. The election of electors of President and Vice-President shall be held on the Tuesday next after the first Monday in November, one thousand eight

hundred and ninety-two, and on the same day in every fourth year thereafter; but the Governor may, by his proclamation, appoint the same day in any other year, pursuant to the Act of Congress, for holding the election, in the event of a vacancy in the offices of President and Vice-President. The number of electors shall be equal to the whole number of Senators and Representatives in Congress to which the Commonwealth is entitled, at the time the President and Vice-President to be chosen shall come into office; and said electors shall be chosen by the qualified electors of this Commonwealth in the same manner as is provided by the general election laws for the election of State officers.

The electors of President and Vice-President of the United States, so chosen, shall be qualified electors of this Commonwealth; but no Senator or Representative in Congress, or person holding an office of trust or profit under the United States, or this Commonwealth, shall be an elector.

This Act shall take effect from and after its passage and approval.

United States Navy Yard,
Norfolk, Va.
February 8, 1910.

Sir:—By direction of the Navy Department, the figurehead of the Battleship "Kentucky" has been prepared for shipment to Frankfort, Ky.

Before making shipment, information is desired as to the routing you prefer, or any other instructions you may care to give, as

the transportation and handling is to be free of any expense to the Government.

Please give full instructions at your convenience.

Respectfully,

C. J. CLEBORNE,
Paymaster, U. S. N.,
General Storekeeper.

His Excellency,
The Governor,
Frankfort, Kentucky.

Which was received and read at length and ordered to be spread upon the Journal.

Mr. Turner offered the following resolution, viz:

Resolved: That the Clerk of the House be directed to have printed ten thousand copies of the Governor's message as read to-day.

Mr. Klair moved that said resolution be referred to Committee on Executive Affairs..

Said motion was agreed to.

Mr. Crecelius offered the following resolution, viz:

Resolved by the House of Representatives of Kentucky that the sum of two hundred ninety one dollars and ninety-seven cents be allowed out of the contingent expenses of the House for the purpose of paying expenses of the State Prisons and Houses of Reform Committee in visiting the institutions of the State, the same to be paid to the Sergeant-at-Arms of the House for disbursements and the Clerk of the House is directed to certify the amount to the Auditor for payment.

Said resolution was agreed to.

Mr. Mahin offered the following resolution, viz:

Be it resolved by the House of Representatives that the sum of two hundred and fifty dollars be allowed to Robert C. Hill, Contestant, in the case of Robert C. Hill against J. H. Evans as expenses and attorneys fees in prosecuting his contest in this House and that the sum of three hundred dollars be allowed to J. H. Evans the Contestee in said case of Hill against Evans as expenses and attorneys fees in defending said contest. The Chief Clerk of the House is hereby directed to certify this resolution to the Auditor of Public Accounts and the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer for the sum of two hundred and fifty dollars, payable to Robert C. Hill and three hundred dollars payable to J. H. Evans as necessary and contingent expenses of this House.

Said resolution was agreed to.

Mr. Zimmerman offered the following resolution, viz:

Resolved by the House of Representatives:

1. That the sum of one hundred dollars is hereby allowed G. C. Scott, Contestant, in the Scott-Trivette contest for his expenses in said contest and the Auditor of Public Accounts is authorized and directed to draw his warrant upon the State Treasurer in favor of G. C. Scott for said amount.

2. That the sum of two hundred and fifty dollars is hereby allowed said G. C. Scott for attorneys fees in said contest to be paid to J. Morgan Chinn, his attorney, and the Auditor of Public Accounts is hereby ordered and directed to draw his warrant upon the State Treasurer for said amount in favor of said J. Morgan Chinn.

3. That the sum of two hundred and fifty dollars is hereby al-

lowed to E. S. Trivette for attorneys fees in said contest to be paid to Frank Lyons, his attorney, and the Auditor of Public Accounts is hereby ordered and directed to draw his warrant upon the State Treasurer for said amount in favor of said Frank Lyons and the Chief Clerk is ordered to certify this resolution to the Auditor of Public Accounts.

Said resolution was agreed to.

The committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Shanks of the Committee on Judiciary.

H. B. 208. An act relating to bonds of public officials and other bonds required by law.

By same:

H. B. 241. An act further regulating the liability of common carriers doing business in this State to their employes for injuries sustained by such employes while in the performance of their duties to such common carrier.

With an amendment thereto.

By same:

S. Res. 11. Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

By Mr. Lackey of the Committee on Public Health.

H. B. 498. An act to allow the Fiscal Court of McLean County to construct a sewer from the court house of said county for the protection of the health of the citizens of McLean County.

By same:

S. B. 29. An act to regulate the sale of opium or its alkolodial salts or their derivaties or any admixtures thereof.

With an amendment thereto by way of substitute therefor.

By Mr. P. W. Berkshire of the Committee on Public Ditches and Fences.

H. B. 386. An act entitled "Ditches and Underground Drainage."

By Mr. Russell of the Committee on Utilities.

H. B. 224. An act to further regulate telephone companies doing business in this State.

By Mr. Kenton of the Committee on Public Warehouses and Graneries.

H. B. 230. An act to provide for warehousing of cotton seed and its products.

By same:

H. B. 453. An act fixing the weights of packages and regulating the trade in wheat flour and cornmeal.

By Mr. Holland of the Committee on Insurance.

S. B. 68. An act to provide for the investment of the capital stock and accumulations of insurance companies.

Said bills and resolution were severally read the first time at length and ordered to be placed upon the Calendar.

By Mr. J. W. Berkshire of the Committee on Classification of Cities and Towns, to which the same had been recommitteed with leave to report at any time.

H. B. 30. An act to amend an act entitled "An act to assign cities and towns of this Commonwealth to the classes to which they belong," passed and approved September the 30th, 1892. Chapter 89, Kentucky Statutes.

Together with an amendment thereto by way of substitute therefor.

Mr. Newell introduced the following bill, which was ordered to be printed and referred to the Committee on Cities and Towns, viz:

An Act to Amend an Act entitled "An Act to Assign Cities and Towns of this Commonwealth, to the classes to which they belong," passed and approved September 30th, 1892, Chapter 89, Kentucky Statutes.

Whereas, the District of Clifton, in Campbell County, was created and organized, and is now conducting its business and affairs under and by virtue of an Act entitled "An Act to incorporate the District of Clifton in Campbell County," passed and approved on the eighteenth day of February, 1888, and an amendment thereto, passed and approved on the second day of May, 1888, and,

Whereas, the General Assembly has heretofore failed to classify and assign the District of Clifton, in Campbell County, to the class and cities to which it belongs, and,

Whereas it now appears to the General Assembly by satis-

factory evidence, that the District of Clifton as aforesaid, has now a population of over one thousand people, bona-fide residents thereof, and is now entitled by law to be classified as, and assigned to cities of the Fifth Class.

Now, Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an Act entitled "An Act to assign Cities and Towns of this Commonwealth to the classes to which they belong," passed and approved September 30th, one thousand eight hundred and ninety-two, and being Chapter 89, Section 2740, Kentucky Statutes, be amended by adding the words "District of Clifton, Campbell County," to list the names of and to cities of the Fifth Class, so that the said section as amended shall read as follows:

The Cities and Towns of this Commonwealth are classified as follows, to-wit:

First Class—Louisville, Jefferson County.

Second Class—Covington, Kenton County; Lexington, Fayette County; Newport, Campbell County; Paducah, McCracken County.

Third Class—Bowling Green, Warren County; Frankfort, Franklin County; Henderson, Henderson County; Owensboro, Daviess County.

Fourth Class—Ashland, Boyd County; Bellevue, Campbell County; Carrollton, Carroll County; Catlettsburg, Boyd County; Central City, Muhlenberg County; Corbin, Whitley and Knox Counties; Cynthiana, Harrison County; Danville, Boyle County; Dayton, Campbell County; Fulton, Fulton County; Georgetown,

Scott County; Harrodsburg, Mercer County; Hopkinsville, Christian County; Latonia, Kenton County; Lawrenceburg, Anderson County; Lebanon, Marion County; Ludlow, Kenton County; Madisonville, Hopkins County; Mayfield, Graves County; Maysville, Mason County; Middlesboro, Bell County; Mt. Sterling, Montgomery County; Nicholasville, Jessamine County; Paris, Bourbon County; Pineville, Bell County; Princeton, Caldwell County; Richmond, Madison County; Russellville, Logan County; Shelbyville, Shelby County; Somerset, Pulaski County; Versailles, Woodford County; Winchester, Clark County.

Fifth Class—Augusta, Breckinridge County; Barbourville, Knox County; Bardstown, Nelson County; Bardwell, Carlisle County; Beattyville, Lee County; Berea, Madison County; Burnside, Pulaski County; Cadiz, Trigg County; Calhoun, McLean County; Campbellsville, Taylor County; Carlisle, Nicholas County; Clay, Webster County; Clay City, Powell County; Clinton, Hickman County; Cloverport, Breckinridge County; Columbus, Hickman County; Corydon, Henderson County; Crab Orchard, Lincoln County; Dawson Springs, Hopkins County; District of Clifton, Campbell County; Earlington, Hopkins County; Eddyville, Lyon County; Elizabethtown, Hardin County; Elkton, Todd County; Eminence, Henry County; Falmouth, Pendleton County; Flemingsburg, Fleming County; Franklin, Simpson County; Glasgow, Barren County; Grand Rivers, Livingston County; Greenville, Muhlenberg County; Hartford, Ohio County; Hawesville, Hancock County; Hickman, Fulton County; Hustonville, Lincoln County; Lancaster, Garrard County; Leitchfield, Grayson County; Livermore, McLean County; Louisa, Lawrence County; Marion, Crittenden County; Midway, Woodford County; Millersburg, Bourbon County; Monticello, Wayne County; Morehead, Rowan County; Morganfield, Union County; Mortons Gap, Hopkins County; Murray, Calloway County; Oakdale, Jefferson County; Olive Hill,

Carter County; Owenton, Owen County; Owingsville, Bath County; Pikeville, Pike County; Prestonsburg, Floyd County; Providence, Webster County; Scottsville, Allen County; Sebree City, Webster County; Springfield, Washington County; Stanford, Lincoln County; Sturgis, Union County; Uniontown, Union County, Vanceburg, Lewis County; Warsaw, Gallatin County; West Covington, Kenton County; Wickliffe, Ballard County; Williamsburg, Whitley County.

All other incorporated towns and cities not named in this act, and not heretofore assigned to some other class, shall belong to towns of the Sixth Class.

§ 2. The officers and trustees now holding office in the District of Clifton, Campbell County, shall hold their offices and perform the duties thereof to which they were respectively elected, until the next regular election of officers and councilmen, as provided by law governing and regulating cities of the Fifth Class are to be, and shall be elected.

§ 3. In the event that there shall be any vacancies in any of the offices of the said District of Clifton, at the time of the passage and approval of this act, the said vacancies shall be filled as provided by law relating to such cases.

§ 4. As it is necessary and important to the welfare and prosperity of the inhabitants of the said District, and of the said District, that this act shall take effect and be in force from and after its passage and approval, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

The substitute as proposed by said committee for said bill is as follows, viz:

An act to amend and re-enact an act entitled "An act to amend

an act entitled 'An act to amend an act entitled 'An act to assign the cities and towns of this Commonwealth to the classes to which they belong,'" approved March 18, 1908.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1 of an act entitled "An act to amend an act entitled 'An act to assign the cities and towns of this Commonwealth to the classes to which they belong," approved March 18, 1908, be amended by striking from the fourth classification therein, the words "Somerset, Pulaski County," and "Middlesboro, Bell County," and "Latonia, Kenton County," and from the fifth classification therein, the words "Franklin, Simpson County," and "Barbourville, Knox County," and by adding after the words "Bowling Green, Warren County," in the third classification, the words "Somerset, Pulaski County" and the words "Middlesboro, Bell County," and adding after the words "Corbin, Whitley and Knox Counties," in the fourth classification therein, the words "Franklin, Simpson County" and "Barbourville, Knox County," and after the words "Berea, Madison County," in the fifth classification therein, the words "Guthrie, Todd County, LaGrange, Oldham County; Clifton, Campbell County," and that same be re-enacted as amended, and that section 2 of said Act be re-enacted, so that said Act as amended and re-enacted shall read as follows:

The cities and towns of the Commonwealth are classified as follows, to-wit:

First Class—Louisville, Jefferson County.

Second Class—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County.

Third Class—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Somerset, Pulaski County; Middlesboro, Bell County.

Fourth Class—Hopkinsville, Christian County; Shelbyville, Shelby County; Maysville, Mason County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Ashland, Boyd County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenburg County; Corbin, Whitley and Knox Counties; Franklin, Simpson County; Barbourville, Knox County.

Fifth Class—Lancaster, Garrard County; Cadiz, Trigg County; Grand Rivers, Livingston County; Greenville, Muhlenberg County; Elizabethtown, Hardin County; Louisa, Lawrence County; Columbus, Hickman County; Glasgow, Barren County; West Covington, Kenton County; Earlington, Hopkins County; Hickman, Fulton County; Cloverport, Breckenridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Elkton, Todd County; Falmouth, Pendleton County; Vanceburg, Lewis County; Morganfield, Union County; Carlisle, Nicholas County; Clay City, Powell County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson

County; Owingsville, Bath County; Murray, Calloway County; Marion, Crittenden County; Providence, Webster County; Sebree City, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Pikeville, Pike County; Sturgis, Union County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Oakdale, Jefferson County; Beattyville, Lee County; Owenton, Owen County; Scottsville, Allen County; Olive Hill, Carter County; Burnside, Pulaski County; Prestonsburg, Floyd County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; LaGrange, Oldham County; Guthrie, Todd County; Clifton, Campbell County.

Sixth Class—All other incorporated cities and towns not named in this bill shall belong to the Sixth Class.

2. Whereas, it is necessary for the assigned cities and towns mentioned herein to make their tax levy for this year under the charter of the town to which they are assigned, an emergency is declared to exist and this act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Said substitute was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
Robt. L. Harris,
L. B. Herrington,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
—70

Resolved that the title thereof be as follows, viz:

An act to amend and re-enact an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to assign the cities and towns of this Commonwealth to the classes to which they belong,'" approved March 18, 1908.

Mr. Russell moved to reconsider the vote by which was passed and that said motion lie on the table.

Said last named motion was agreed to:

By Mr. Lackey of the Committee on Public Health.

H. B. 277. An act to amend an act entitled "An act to amend an act entitled 'An act to protect the citizens of this Commonwealth from empiricism approved April 10th, 1893, and acts amendatory thereto, being Article 1, Chapter 85 of the Kentucky Statutes and to amend Section 2047, Chapter 63 of the Kentucky Statutes creating the State Board of Health,'" approved April 20, 1893, and regulating the practice of medicine, surgery and osteopathy in this Commonwealth.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading the opinion of the committee to the contrary notwithstanding it was decided in the negative.

And so said bill was rejected.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 37. An act to establish a sub-experiment station in Eastern Kentucky and a like station in Western Kentucky.

S. B. 82. An act to regulate the time of holding the terms of the Circuit Court in the Twentieth Judicial District.

S. B. 85. An act to authorize the trustees of the jury fund to pay persons summoned as jurors in this Commonwealth.

S. B. 91. An act to amend an act entitled "An act in relation to the control, management and operation of water works in cities of the First Class, approved March 6, 1907, and being Section 3024 of the Kentucky Statutes.

S. B. 102. An act to repeal and amend Sections 2016, 2020, 2021 and 2033 of Chapter 61, Kentucky Statutes, Carroll's Edition 1909.

Said bills were ordered printed and referred,

1. To the Committee on Geological Survey.
2. To the Committee on Circuit Courts.
3 and 5. To the Committee on Judiciary.
4. To the Committee on Municipalities.

Mr. Holland moved that the consideration of the Orders of the Day be postponed and that the Calendar be called.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 461. An act to provide for a more efficient system of common schools throughout the State; to create county boards of education and to provide for the government and regulation of common schools.

S. B. 119. An act creating a State Board of Law Examiners prescribing their powers and duties and regulating the issual of licenses to attorneys at law.

S. B. 90. An act to amend an act entitled, "An act concerning juries and entitled 'juries'" approved March 19, 1894.

H. B. 242. An act to regulate telegraphs, telephones and express companies doing business in this State.

With an amendment thereto by way of substitute therefor.

H. B. 170. An act authorizing the Judge of the Franklin Circuit Court to appoint a Commissioner of the State Fiscal Court.

H. B. 248. An act adopting as the law of the Commonwealth of Kentucky the edition of the Kentucky Statutes compiled by John D. Carroll, and issued in 1909.

With an amendment thereto by way of substitute therefor.

H. B. 315. An act regulating the allowance to pauper idiots and providing for the payment of same.

H. B. 436. An act for the benefit of the infant children of Hon. McD. Ferguson, deceased.

H. B. 166. An act to repeal and amend Sections 2016, 2020, 2021, and 2023 of Chapter 61 of Kentucky Statutes, Carroll's edition, 1909.

With amendments thereto.

H. B. 169. An act for the protection of owners and keepers of hotels, creating liens on certain property and providing for the enforcement of the provisions thereof and limiting the liability of hotel keepers and for sale of unclaimed baggage requiring hotel keepers to give receipts or checks for baggage, no liability in case of fire or overwhelming force.

H. B. 118. An act relating to the time, manner and mode of probating wills.

H. B. 337. An act regulating the liability of railroad companies to their employes.

With amendments thereto.

H. B. 179. An act to amend Section 1708 of the Kentucky Statutes concerning homesteads.

H. B. 384. An act in relation to the condemnation of land and rights of way.

With amendments thereto.

H. B. 355. An act to readjust and fix the salaries of Assistant Inspectors of Mines.

H. B. 129. An act to provide for the employment and pay of a check weighman or the check measurer for the benefit of persons working in mines.

With amendments thereto.

H. B. 99. An act creating the office of District Detective to the Commonwealth Attorney in all counties of this Commonwealth having cities of the Second Class.

With an amendment thereto by way of substitute therefor.

S. B. 88. An act to amend Section 3948, Chapter 104 of the Kentucky Statutes, Carroll's edition of 1909 entitled "Public Buildings, State and County."

H. B. 398. An act concerning tenement houses, apartment houses and flat houses in a city of the First Class.

With amendments thereto.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with they were severally read the second time by their title.

Ordered that said bills be placed in the Orders of the Day.

And then the House adjourned until 3:30 o'clock P. M.

AFTERNOON SESSION.

The House met at 3:30 o'clock P. M. pursuant to adjournment.

Mr. Southall offered the following resolution, viz:

Be it resolved by the House of Representatives that the sum of two hundred and seventy dollars and seventy-nine cents be paid to the Sergeant-at-Arms of the Senate as a part of the contingent expense of the House, said sum being the amount expended by him in paying the expenses of the Committee on Charitable Institutions of the House in inspecting the charitable institutions at Lexington, Danville, Lakeland, Louisville and Hopkinsville as shown by an itemized account verified by the Sergeant-at-Arms of the Senate and approved by the Chairman of the Committee on Charitable Institutions of the House which is filed with this resolution. The Auditor will issue his warrant for said sum for two hundred and seventy dollars and seventy-nine cents, payable to the Sergeant-at-Arms of the Senate when a copy of this resolution is presented to him at-

tested by the Chief Clerk of the House and the Treasurer of the State is directed to pay said warrant out of any sum in the Treasury not otherwise appropriated.

Said resolution was adopted.

Mr. Graves moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 287. An act relating to public improvement in cities of the Second Class.

Mr. Graves moved that said bill be recommitted to the Committee on Municipalities and said Committee have leave to report at any time.

Said motion was agreed to.

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a joint resolution of the following title, viz:

S. Res. 9. Resolution providing for the adoption of the legislative digest at the official publication of this General Assembly and to purchase copies of the same for the members of the General Assembly and certain officials.

Whereupon all other business was suspended, said resolution was severally read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said resolution to the Senate.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 246. An act to amend Subsection 4, Article 5, Title 10 of the Civil Code of Practice, being Subsection 4 of Section 340 thereof relating to new trials.

Said bill is as follows, viz:

An act to amend Subsection 4, Article 5, Title 10 of the Civil Code of Practice, being Subsection 4 of Section 340 thereof, relating to new trials.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection 4 of Article 5, Title 10 of the Civil Code of Practice being Subsection 4 of Section 340 thereof, relating to new trials be amended by adding the following clause to-wit:

Provided, that the successful party may within three days after the verdict or decision is rendered, file a statement in the court where the same is rendered showing the amount which he will accept in satisfaction of the verdict or decision and upon a motion for a new trial and upon appeal to the Court of Appeals, said amount shall be considered as the amount rendered by the verdict or decision, but nothing herein shall authorize the trial court to directly or indirectly compel the filing of said statement.

So that said subsection as amended shall read as follows, to-wit:

Excessive damages, appearing to have been given under the influence of passion or prejudice; Provided, that the successful party may within three days after the verdict or decision is rendered, file

a statement in the court where the same is rendered showing the amount which he will accept in satisfaction of the verdict or decisions and upon a motion for a new trial and upon appeal to the Court of Appeals, said amount shall be considered as the amount rendered by the verdict or decision, but nothing herein shallauthorize the trial court to directly or indirectly compel the filing of said statement.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
R. C. Hill,
John W. Holland,
R. Dillard Hunter,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
J. F. Porter,
W. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
S. M. Russell,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
E. E. Trivette,
J. W. Turner,

M. G. Colson,	Don G. McVean,	Geo. C. Waggoner,
Peter J. Cosgrove,	H. J. Meyers,	Edward A. Weber,
S. F. Crabtree,	L. C. Owings,	W. F. Welch,
W. L. Craig,	S. P. Parks,	W. R. Whitlow,
C. F. Crecelius,	J. W. Perry,	J. H. Williams,
W. B. Creekmore,	W. V. Perry,	L. F. Withers,
Wm. S. Dean,	John C. Pirtle,	J. R. Zimmerman,
H. C. Duffy,	A. H. Points,	—71

Resolved that the title thereof be as aforesaid.

Mr. Withers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 410. An act to amend Section 965 of the Kentucky Statutes which relates to the time of holding Circuit Courts in the First Judicial District.

Said bill is as follows, viz:

An act to amend Section 965 of the Kentucky Statutes, which relates to the time of holding Circuit Courts in the First Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 965 of the Kentucky Statutes, relating to the time of holding Circuit Court, in the First Judicial District, be amended, so that the part of said section relating to the time and place of holding Circuit Court in said First Judicial District, when amended, shall read as follows:

First District—Fulton County, at Hickman, or Fulton, as provided by law, and as the business in court may require, on the third Monday in January, twelve juridical days; first Monday in May, twelve juridical days; third Monday in September, eighteen juridical days.

Hickman County, at Clinton, on the first Monday in February, twelve juridical days; third Monday in May, twelve juridical days; second Monday in October, eighteen juridical days.

Carlisle County, at Bardwell, on the third Monday in February, twelve juridical days; first Monday in June, twelve juridical days; first Monday in November, twelve juridical days.

Ballard County, at Wickliffe, on the first Monday in January, twelve juridical days; third Monday in April, twelve juridical days; fourth Monday in August, eighteen juridical days.

Graves County, at Mayfield, on the first Monday in March, thirty-six juridical days; third Monday in June, eighteen juridical days; third Monday in November, thirty-six juridical days.

§ 2. That no inconvenience may arise in the holding of courts in said district, this act shall take effect and be in force from and after July 10, 1910.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
R. C. Hill,
John W. Holland,
R. Dillard Hunter,
W. G. Keen,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
W. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Resolved that the title thereof be as aforesaid.

Mr. Brooks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 163. An act permitting Charles Carroll to sue the State for a fee not exceeding $500.00 for legal services performed.

Said bill is as follows, viz:

AN ACT permitting Charles Carroll to sue the State for a fee not exceeding $500.00 for legal services performed.

Whereas, in December, 1904, the Attorney General of the State employed Charles Carroll to assist in the prosecution of a suit against Henry Bacon, accepted bidder for the second class printing and binding for the State for two years from January 1902, said suit being in the name of the Commonwealth of Kentucky on the relation of the Attorney General against said Bacon and his sureties, and in said suit it was sought to construe the printing laws of the State, and to recover of Bacon an alleged overcharge against the said Bacon, which was paid him by reason of his claim for said printing. Said Carroll accepted said employment, and assisted in said suit from its inception in the Franklin Circuit Court to its final determination in the Court of Appeals, covering a period of nearly four years, and in said litigation said Carroll assisted in the preparation of the pleadings, and took an active part in the examination of the witnesses and orally argued the case in the Franklin Circuit Court, and orally argued and briefed it in the Court of Appeals on the 20th of June, 1908, in an opinion, which will be found in 111 Southwestern, beginning on page 387, reversed the judgment of the Franklin Circuit Court, and sustained the contention of the Commonwealth and ordered judgment against Bacon for money collected from the State without warrant of law for $23,992.69 with interest from August 29, 1902, and the result of said litigation was of great benefit to the State. Said suit was prosecuted under Section 340a, Kentucky Statutes, and whereas, it was agreed between the Attorney General and said Charles Carroll at the time of the employment of said Carroll that he should receive as a fee for his

services in said litigation the sum of $500.00, but there being some question whether under said Section 340a of Kentucky Statutes, the contract between the Attorney General and said Charles Carroll is binding upon the State, and it appearing in equity and good conscience that said Charles Carroll is entitled to the fee agreed upon between him and the Attorney General in said litigation and having rendered services for the State in same to amount greater in value than said amount of $500.00, therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles Carroll is hereby permitted to sue the Commonwealth of Kentucky in the Franklin Circuit Court under style of Charles Carroll, plaintiff, vs. F. P. James, Auditor, on relation of the Commonwealth of Kentucky, defendant, in order that said court may determine and allow after hearing the proof as to the value of said services a reasonable fee to said Carroll not exceeding $500.00 for his services in above mentioned litigation, and when said judgment becomes final the Auditor is directed to issue to said Charles Carroll his warrant upon the Treasurer of the State for the amount of said judgment, and said Treasurer is directed to pay said warrant out of any funds in his hands not otherwise appropriated.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
V. A. Bradley,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
W. V. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. Price,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
W. H. Shanks,
W. Logan Shearer,
John S. Steers,
E. E. Trivette,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

T. M. Bertram,
Wm. S. Dean,
C. C. Patrick,
R. A. Read,
H. T. Rich,
Farris Roberts, Jr.,

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Resolved that the title thereof be as aforesaid.

Mr. Zimmerman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Russell moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 78. An act to amend Chapter 21 of the Acts of 1906 entitled "An act to amend Section 2560 of the Kentucky Statutes," it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes entitled "Liquors intoxicating."

(For bill see House Journal February 16th)

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Chinn and Littrell were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
P. W. Berkshire,
T. M. Bertram,
V. A. Bradley,
O. Houston Brooks,
J. T. Buford,
Henry Chunn,
Z. A. Clore,
Z. T. Coleman,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
L. B. Herrington,
R. C. Hill,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
W. T. Kenton,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
Ben E. Niles,
S. P. Parks,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

J. W. Berkshire,	Peter J. Cosgrove,	L. C. Littrell,
Eli Berry,	W. L. Craig,	Don G. McVean,
J. M. Blair,	L. H. Francies,	H. J. Meyers,
J. O. Bogie,	H. T. Gartin,	W. H. Newell,
Frank J. Brown,	F. E. Graves,	L. C. Owings,
S. M. Carson,	Robt. L. Harris,	J. W. Perry,
L. H. Carter,	Samuel D. Hines,	W. Price,
W. G. Caudill,	John W. Holland,	Samuel L. Robertson,
J. P. Chinn,	Hite Huffaker,	Edward A. Weber,
Sidney G. Clay,	R. Dillard Hunter,	W. F. Welch,
M. G. Colson,	Wm. F. Klair,	W. R. Whitlow,

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The said motion failing to receive two-thirds of all the members present and voting.

The following pairs were announced:

Mr. Duffy with Mr. Kenton. Mr. Kenton if present and voting would vote in the affirmative; Mr. Duffy would vote in the negative.

Mr. George W. Reid with Mr. Moore. Mr. Moore if present and voting would vote in the negative; Mr. George W. Reid if voting would vote in the affirmative.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 84. An act making it a felony to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute circumstances.

Together the amendment heretofore proposed thereto by the Committee on Kentucky Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances, or any person who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his or her children under the age of sixteen years in destitute or necessitous cicumstances, shall be deemed guilty of felony, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the reformatory, county jail, workhouse or house of correction at hard labor for not more than twelve months, or by both such fine and imprisonment; and should a fine be imposed it may be directed by the court to be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children: Provided, that before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of one year to the wife, or to the guardian or custodian of the minor child or children, or to an organization or individual approved by the court as trustee, and to release the defendant from custody on probation for the space of one year upon his or her entering into recognizance, with or without sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defen-

dant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied by information and due proof, under oath, at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife, or to the guardian or custodian of the minor child or children.

§ 2. No other evidence shall be required to prove marriage of such husband and wife, or that such person is the lawful father or mother of such child or children, then is or shall be required to prove such facts in civil action. In all prosecutions under this act any existing provisions of law prohibiting the disclosure of confidential communications between husband and wife shall not apply, and both husband and wife shall be competent and compellable witnesses to testify to any and all relevant matters, including the fact of such marriages and the parentage of such child or children. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect to furnish such wife, child or children necessary and proper food, clothing or shelter is prima facie evidence that such desertion or neglect is wilful.

§ 3. It shall be the duty of the officer in charge of any reformatory, county jail, workhouse or house of correction in which any person is confined on account of a sentence under this law to pay over to the wife, or to the guardian or custodian of his or her minor

child or children, or to an organization or individual approved by the court as trustee at the end of each week, for the support of such wife, child or children, a sum equal to fifty cents for each day's hard labor performed by said person so confined.

The amendment as proposed to said bill by the said Committee is as follows, viz:

Amend by striking out the words "a felony" in Section 1 and inserting in lieu thereof the words "an offense."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Chas. W. Fulton,	J. F. Porter,
W. D. Allbright,	H. T. Gartin,	W. Price,
J. W. Berkshire,	T. D. Graham,	Geo. W. Reid,
P. W. Berkshire,	F. E. Graves,	G. T. Reynolds,
Eli Berry,	Robt. L. Harris,	J. F. Richardson,
J. M. Blair,	L. B. Herrington,	Farris Roberts, Jr.,
J. O. Bogie,	John W. Holland,	S. C. Roberts,
Frank J. Brown,	O. M. Kelsey,	Samuel L. Robertson,

J. T. Buford,	Wm. F. Klair,	S. M. Russell,
S. M. Carson,	H. L. Lewis,	H. A. Schoberth,
J. R. Claypool,	J. H. McWaters,	S. A. Shanklin,
J. P. Chinn,	Don G. McVean,	W. H. Shanks,
Sidney G. Clay,	H. J. Meyers,	W. Logan Shearer,
Z. A. Clore,	Ben E. Niles,	W. H. Southall, Jr.,
Z. T. Coleman,	W. H. Newell,	J. J. Taylor,
M. G. Colson,	L. C. Owings,	E. E. Trivette,
Albert J. Counts,	S. P. Parks,	Geo. C. Waggoner,
Peter J. Cosgrove,	J. W. Perry,	Edward A. Weber,
C. F. Crecelius,	John C. Pirtle,	W. F. Welch,
W. B. Creekmore,	Marion F. Pogue,	J. H. Williams,
L. H. Francies,	A. H. Points,	J. R. Zimmerman,
G. G. Frazier,		

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Those who voted in the negative were—

T. M. Bertram,	Wm. S. Dean,	R. A. Read,
V. A. Bradley,	H. C. Duffy,	J. T. Riherd,
Henry Chunn,	Hite Huffaker,	

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Mr. Brown offered the following amendment to the title of said bill:

Amend by striking out the words "a felony" and inserting in lieu thereof the words "an offense."

Said amendment was agreed to.

Resolved that the title thereof be as follows, viz:

"An act making it an offense to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute circumstances.

Mr. Sterrs moved that the vote by which bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 181. An act to amend Section 885 of the Kentucky Statutes edited by John D. Carroll and issued in 1903.

Together with the amendment proposed thereto by the Committee on Kentucky Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 885 of Kentucky Statutes compiled and edited by John D. Carroll and issued in nineteen hundred and three, be and the same is hereby revised and amended so as to read as follows:

If the Commonwealth shall be unsuccessful in any case prosecuted in its own right no judgment for costs shall be rendered against it, except in Circuit Courts in counties having a population of seventy-five thousand or more in which Circuit Courts, the Commonwealth shall become liable for and pay the costs of the Circuit Clerk incurred by it in all civil cases or special proceedings instituted by it, as other litigants are required to pay. Provided

the amounts so paid shall not exceed in any year twenty-five per cent. of the amount the clerk of said court pays into the State Treasury.

§2. All acts or parts of acts in conflict with this act are hereby repealed.

The amendment proposed to said bill by said Committee, is as follows, viz:

Amend by striking out the words "having a population of seventy-five thousand or more" and inserting in lieu thereof the words "having a city of the Third Class."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and placed upon its passage.

Said bill failing to receive the number of affirmative votes as required by the Constitution was disagreed to.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. O. Bogie,	L. B. Herrington,	J. W. Perry,
Frank J. Brown,	Samuel D. Hines,	Marion F. Pogue,
J. T. Buford,	John W. Holland,	G. T. Reynolds,
J. P. Chinn,	R. Dillard Hunter,	J. F. Richardson,

Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Peter J. Cosgrove,
C. F. Crecelius,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
W. G. Keen,
Wm. F. Klair,
J. H. Lackey,
Hugh Mahin,
Don G. McVean,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
Samuel L. Robertson,
H. A. Schoberth,
S. A. Shanklin,
John S. Steers,
Edward A. Weber,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman,
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Those who voted in the negative were—

R. H. Akin,
W. D. Allbright,
T. M. Bertram,
J. M. Blair,
W. G. Caudill,
Henry Chunn,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
W. L. Craig,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
H. T. Gartin,
R. C. Hill,
O. M. Kelsey,
H. L. Lewis,
L. C. Littrell,
Ben E. Niles,
S. P. Parks,
C. C. Patrick,
W. F. Pitman,
W. Price,
R. A. Read,
Geo. W. Reid,
H. T. Rich,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
W. Logan Shearer,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
W. F. Welch,
J. H. Williams,
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The hour of 5:30 o'clock P. M. having arrived,

The House adjourned.

FRIDAY, FEBRUARY 25, 1910.

The House was opened with prayer by the Rev. T. S. Major, of the Roman Catholic Church.

The reading of the journal of yesterday's proceedings was dispensed with.

Petitions were presented as follows, viz:

By Mr. Owings:

Petition of sundry citizens of Jefferson County asking the passage of S. B. 68.

By Mr. Shearer:

Petition of sundry citizens of Wayne County asking for the passage of the same bill.

By Mr. Coleman:

Petition of sundry citizens of Carroll County asking for the passage of the same bill.

By Mr. Crecelius:

Petition of sundry citizens of Pendleton County asking for the passage of the same bill.

By Mr. Counts:

Petition of sundry citizens of Montgomery County asking for the passage of the same bill.

By Mr. W. V. Perry:

Petition of sundry delegates of the State Farmers' Institute of Kentucky asking the passage of an act establishing experimental fields in connection with Agricultural Experiment Stations.

Which were received, their reading dispensed with and referred, 1, 2, 3, 4, 5. To Committee on Insurance.

6. To the Committee on Geological Survey.

Mr. Taylor moved to reconsider the vote by which the House failed to pass on yesterday a bill entitled,

H. B. 181. An act to amend Section 885 of Kentucky Statutes and edited by John D. Carroll and issued in 1903.

And moved that said motion lie on the table.

Said last named motion was disagreed to.

The yeas and nays being required thereon by Messrs. Taylor and Bertram were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
T. M. Bertram,
W. G. Caudill,
Henry Chunn,
M. G. Colson,
Albert J. Counts,
W. L. Craig,
H. C. Duffy,
L. H. Francies,
Chas. W. Fulton,
S. B. Johnson,
W. G. Keen,
H. L. Lewis,
S. P. Parks,
C. C. Patrick,
W. Price,
R. A. Read,
Geo. W. Reid,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. M. Russell,
W. Logan Shearer,
J. J. Taylor,
W. F. Welch,—27

Those who voted in the negative were—

R. H. Akin,	R. C. Hill,	John C. Pirtle,
Eli Berry,	John W. Holland,	Marion F. Pogue,
V. A. Bradley,	Hite Huffaker,	A. H. Points,
J. T. Buford,	R. Dillard Hunter,	J. F. Porter,
L. H. Carter,	O. M. Kelsey,	G. T. Reynolds,
J. P. Chinn,	Wm. F. Klair,	S. C. Roberts,
Sidney G. Clay,	J. H. Lackey,	Samuel L. Robertson,
J. R. Claypool,	L. C. Littrell,	H. A. Schoberth,
Z. A. Clore,	J. H. McWaters,	W. H. Southall, Jr.,
Z. T. Coleman,	Don G. McVean,	John S. Steers,
Peter J. Cosgrove,	Frank S. Moore,	Geo. C. Waggoner,
S. F. Crabtree,	H. J. Meyers,	Edward A. Weber,
C. F. Crecelius,	Ben E. Niles,	W. R. Whitlow,
G. G. Frazier,	W. H. Newell,	J. H. Williams,
H. T. Gartin,	L. C. Owings,	L. F. Withers,
T. D. Graham,	J. W. Perry,	J. R. Zimmerman,
L. B. Herrington,	W. V. Perry,	—50

The motion to reconsider as made by Mr. Taylor above was agreed to.

(For bill see House Journal, February 24th.)

The question being then taken on the passage of said bill it was decided in the affirmative.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	L. C. Owings,
Eli Berry,	John W. Holland,	J. W. Perry,
J. O. Bogie,	Hite Huffaker,	J. F. Richardson,
V. A. Bradley,	R. Dillard Hunter,	Samuel L. Robertson,
J. T. Buford,	O. M. Kelsey,	S. M. Russell,
J. P. Chinn,	Wm. F. Klair,	H. A. Schoberth,

Sidney G. Clay,	J. H. Lackey,	S. A. Shanklin,
J. R. Claypool,	H. L. Lewis,	W. H. Southall, Jr.,
Z. A. Clore,	L. C. Littrell,	John S. Steers,
Peter J. Cosgrove,	J. H. McWaters,	Geo. C. Waggoner,
C. F. Crecelius,	Don G. McVean,	Edward A. Weber,
G. G. Frazier,	Frank S. Moore,	W. R. Whitlow,
H. T. Gartin,	H. J. Meyers,	L. F. Withers,
T. D. Graham,	Ben E. Niles,	J. R. Zimmerman,
Robt. L. Harris,	W. H. Newell,	—43

Those who voted in the negative were—

W. D. Allbright,	H. C. Duffy,	R. A. Read,
J. W. Berkshire,	L. H. Francies,	H. T. Rich,
T. M. Bertram,	S. B. Johnson,	J. T. Riherd,
L. H. Carter,	W. G. Keen,	Farris Roberts, Jr.,
W. G. Caudill,	H. L. Lewis,	W. Logan Shearer,
Henry Chunn,	S. P. Parks,	J. J. Taylor,
Z. T. Coleman,	C. C. Patrick,	J. W. Turner,
M. G. Colson,	W. F. Pitman,	W. F. Welch,
Albert J. Counts,	A. H. Points,	J. H. Williams,
W. L. Craig,	W. Price,	—29

By unanimous consent the House then took up for consideration a bill entitled,

H. B. 67. An act to establish a public experiment station in Eastern Kentucky and a like station in Western Kentucky.

Mr. Brooks moved that the substitute heretofore proposed by the Committee on Agriculture be ordered printed.

Said motion was agreed to.

By unanimous consent the House took up for consideration a bill entitled,

H. B. 220. An act establishing the State Board of Education and defining the powers and duties thereof.

Mr. Brooks moved that the substitute for said bill heretofore proposed by the Committee on Education No. 2 be ordered printed.

Said motion was agreed to.

By unanimous consent the following bill was introduced, viz:
By Mr. Moore:

H. B. 523. An act to require owners of stock living on islands of the Mississippi river within the jurisdiction of Kentucky to keep up river stock.

Said bill was ordered printed and referred to Committee on Kentucky Statutes.

Mr. Faris Roberts, Jr., offered the following, viz:

The Committee on Agriculture having under consideration H. B. No. 164, a reasonable length of time and has failed to report same, now therefore by virtue of Section 46 of the Constitution I move to have H. B. 164 advanced to its first reading.

Said motion was disagreed to.

A message was received from the Governor, as follows, viz:

State of Kentucky,
Executive Department.
Frankfort, February 25, 1910.

To the General Assembly of Kentucky:

I submit to the General Assembly of Kentucky as required under Section 10 of the Food and Drug Act approved March 13, 1908, the annual report of the Director of the Kentucky Agricultural Experiment Station.

Respectfully,
AUGUSTUS E. WILLSON.
Governor of Kentucky.

Ordered that the accompanying report be filed and referred to the Committee on Agriculture.

(For report see Legislative Documents.)

Mr. Pirtle offered the following resolution, viz:

Whereas, the House has learned with deep sorrow of the great ordeal and sadness of the faithful, earnest and able Representative from Larue County, Doctor R. H. Moss, in the death of his son, therefore,

Be it resolved that the House pour out its sympathy and condolence into the urn of his commisseration and grief.

Said resolution was unanimously adopted.

Mr. Pirtle offered the following resolution, viz:

H. Res. 21. Resolution changing the name of the public road leading from Louisville, Kentucky, to Elizabethtown, Kentucky, now known as the Louisville and Nashville Pike and from Elizabethtown to Hodgenville, Kentucky, to the Lincoln farm in Larue County, Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky that the name of the public road leading from Louisville, Kentucky, to Elizabethtown, Kentucky, known as the Louisville and Nashville Pike and from Elizabethtown, Kentucky, to Hodgenville, Kentucky, to the Lincoln farm in Larue County, Kentucky, be changed to "The Lincoln Way;" and said road from Louisville to the Lincoln farm shall hereafter be designated and known as "The Lincoln Way."

Ordered that said resolution under the rules lie over one day.

Mr. Carter moved that the rules be suspended and that the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 469. An act to amend an act entitled, "An act providing for the payment of interest on warrants issued for claims against the State of Kentucky and fixing the order of payment thereof and the funds from which said warrants shall be paid," approved May 8, 1897, by repealing said act and enacting a substitute therefor.

Said motion was agreed to.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid," being an act approved May 8, 1897, be, and the same is hereby repealed and in lieu thereof the following is enacted:

§2. The Treasurer shall receive, in payment of claims against the State of Kentucky, the warrants drawn by the Auditor of Public Accounts in conformity with the laws of the State of Kentucky, or redeem the same if there be sufficient money in the Treasury appropriated for that purpose; and the Treasurer shall write on the face of said warrant, "redeemed" and shall register in a book to be kept by him for that purpose, when presented, the number, date, amount, and the name of the person or persons to whom the same are made payable, and opposite the registry of each warrant, in separate columns, the date of payment, and the amount of interest, if any, paid thereon.

§ 3. Whenever any warrant hereafter issued by the Auditor of Public Accounts shall be presented to the Treasurer for redemption, and the funds appropriated for the purpose for which said warrant

was issued are exhausted, the Treasurer shall endorse thereon the date of its presentation with the words, "no funds with which to pay this warrant," with his official signature thereto, and such warrant shall thereafter bear interest at the rate of four per cent per annum if the sum for which said warrant was issued be five thousand dollars or more; five per cent per annum if five hundred dollars and less than five thousand dollars, and six per cent per annum if less than five hundred dollars.

§ 4. All old warrants now outstanding against the State of Kentucky may be presented by the holder or holders thereof to the Treasurer who shall treat them in like manner as warrants mentioned in Sections 2 and 3 of this act; and said warrants shall bear interest from the date they are presented to the Treasurer and receive his endorsement thereon as provided for in Section 3 of this act.

§ 5. It shall be the duty of the Treasurer whenever there are funds in the Treasury amounting to as much as five thousand dollars subject to outstanding warrants, to call for such number of warrants by serial numbers, as, in the aggregate, do not exceed the funds in the Treasury, to be presented to him for payment. The call of the Treasurer shall be published by him for ten consecutive days in a daily newspaper published in this State, and no warrants, so called in shall bear interest after the expiration of said ten days publication; nothing herein, however, shall prevent the payment by the Treasurer of warrants due according to the date of issue if presented without awaiting such publication.

§ 6. All acts and parts of acts in conflict herewith are hereby repealed.

§ 7. There being an insufficiency of funds in the Treasury to meet the claims against the State of Kentucky, and which claims should bear interest as herein provided, this act shall take effect from and after its passage and approval by the Governor.

Mr. Graves moved that the morning session of to-day be extended until the matter under consideration be disposed of and that the call of the committees may be had.

Said motion was agreed to.

Mr. Carter offered the following amendment to said bill:

Amend by striking out the word "four" in line seven of Section 3 and inserting in lieu thereof the word "five" and by striking out all of said section beginning with the word "if" in line eight thereof.

Said amendment was agreed to.

Mr. Carter offered the following amendment to said bill:

Insert after Section 5 and before Section 6 the following:

§ 6. The Auditor shall draw a separate warrant for the interest on all interest bearing warrants due under the provisions of this act which the Treasurer shall pay at the same time at which he pays the warrants on which the interest is due.

Said amendment was agreed to.

Mr. Carter offered the following amendment to said bill:

Insert after Section 6 the following:

§ 7. Nothing in this act shall be construed as authorizing interest on warrants drawn on the funds of the Common Schools, the State University or the Sinking Fund or as affecting the application of said funds.

Said amendment was agreed to.

Mr. Carter offered the following amendment to said bill:

Strike out the word "five" between the words "as" and "thousand" in line two, Section 5 and substitute "fifty" therefor.

Said amendment was agreed to.

Mr. Carter offered the following amendment to said bill:

Renumber the Sections so as to conform to the amendments adopted.

Said amendment was agreed to.

Mr. Graves offered the following amendment to said bill:

Amend Section 3 by adding after the word "one" in line six in said Section 3 the words "and it bears five per cent interest from this date until called in."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	Marion F. Pogue,
W. D. Allbright,	F. E. Graves,	A. H. Points,
J. W. Berkshire,	Robt. L. Harris,	W. Price,
P. W. Berkshire,	L. B. Herrington,	R. A. Read,
Eli Berry,	R. C. Hill,	J. F. Richardson

V. A. Bradley,	Samuel D. Hines,	J. T. Riherd,
O. Houston Brooks,	John W. Holland,	Farris Roberts, Jr.,
Frank J. Brown,	R. Dillard Hunter,	S. C. Roberts,
J. T. Buford,	Wm. F. Klair,	Samuel L. Robertson,
L. H. Carter,	J. H. Lackey,	S. M. Russell,
W. G. Caudill,	H. L. Lewis,	H. A. Schoberth,
J. P. Chinn,	L. C. Littrell,	S. A. Shanklin,
Henry Chunn,	Hugh Mahin,	W. Logan Shearer,
Sidney G. Clay,	J. H. McWaters,	W. H. Southall, Jr.,
J. R. Claypool,	Don G. McVean,	J. J. Taylor,
Z. T. Coleman,	H. J. Meyers,	J. W. Turner,
Peter J. Cosgrove,	L. C. Owings,	Edward A. Weber,
C. F. Crecelius,	S. P. Parks,	W. F. Welch,
W. B. Creekmore,	C. C. Patrick,	W. R. Whitlow,
G. G. Frazier,	W. V. Perry,	J. H. Williams,
Chas. W. Fulton,	John C. Pirtle,	L. F. Withers,—63

Those who voted in the negative were—

J. O. Bogie,	G. T. Reynolds,	Geo. C. Waggoner,
M. G. Colson,	John S. Steers,	J. R. Zimmerman,
H. C. Duffy,		—7

Resolved that the title thereof be as aforesaid.

Mr. Carter moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which had originated in the House entitled,

H. B. 51. An act to authorize and regulate the recordation of agreements for pooling farm products.

That they had adopted a resolution and passed bills of the following titles,

1. S. Res. 13. Resolution providing for the appointment of Commissioners to arrange for Kentucky's participation in the celebration of the Centennial Anniversary of the battle of Lake Erie.

Said resolution was referred to Committee on Executive Affairs.

S. B. 15. An act to establish a State Board of Forestry, prescribing its duties and for conserving the forests and water supply of this State and appropriating money therefor.

S. B. 92. An act regarding libel and the civil proceedings thereunder.

Said bills were ordered printed and referred,

1. To Committee on Forestry.

2. To Committee on Codes of Practice.

Mr. Clay moved that the rules be suspended and the House take up for consideration from the Orders of the Day a bill entitled,

H. B. 401. An act to establish a plant for the preparation of hog cholera serum and the distribution of the same to the farmers of the State of Kentucky.

Said motion was agreed to.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, established at the Kentucky Agricultural Experiment Station a plant for the manufacture of serum and virus for the prevention of hog cholera.

§ 2. The preparation of such serum shall be under the rules and regulations of the director of the Experiment Station and shall be distributed by the Commissioner of Agriculture and the State Board of Agriculture, Forestry and Immigration.

§ 3. Said Experiment Station shall charge for the hog cholera serum manufactured under the provision of this act, cost price of manufacture not to exceed two cents per cubic centimeter, and one cent per cubic centimeter for the virus.

§ 4. That for the purpose of installing the necessary plant and equipment, including animals and labor, for preparing a hog cholera serum and virus, the sum of two thousand dollars ($2,000.00) is hereby appropriated.

§ 5. The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditures of money under this act. The expenditures reported to the Auditor shall be paid by the Commonwealth to the director of the Experiment Station upon the written request of the Board of Control of said Experiment Station, and the Auditor for the payment of same is directed to draw his warrant upon the Treasurer, as in all other claims against the Commonwealth.

§ 6. Whereas, the disease known as hog cholera now exists in the State, and, whereas, an epidemic of the disease is liable to break out at any time, therefore, an emergency is hereby declared to exist and this act shall take effect and become a law from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
V. A. Bradley,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
—80

Those who voted in the negative were—

J. J. Taylor,

Resolved that the title thereof be as aforesaid.

Mr Clay moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Schoberth moved that when this House adjourn this afternoon it be to meet to-morrow morning at 10:10 o'clock.

Said motion was agreed to.

Mr. Klair moved to reconsider the vote by which said resolution was agreed to and that said motion lie on the table.

Said motion was agreed to.

The committees to which the same had been referred reported bills of the following titles,

By Mr. Williams of the Committee on Immigration and Labor.

H. B. 484. An act providing that eight hours shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth.

Without any expression of opinion.

By Mr. W. V. Perry of the Committee on Revenue and Taxation:

H. B. 149. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

By same:

S. B. 93. An act to provide for and authorize the refunding and repayment of inheritance taxes where the amount of the legacy to each legatee was less than five hundred dollars.

By same:

H. B. 380. An act limiting the time in which certain actions by the Commonwealth, county, city or other taxing districts may be instituted.

By same:

H. B. 381. An act to protect purchasers of land where same has been previously sold for delinquent taxes.

By same:

H. B. 341. An act declaring all dogs in this Commonwealth to be personal property and the subject of larceny and fixing on them an ad valorem value and taxing same.

By same:

H. B. 63. An act to prevent double taxation and to place the burden of taxation upon the real owner of property in the form of notes, secured by mortgage or purchase money lien upon real estate.

Without any expression of opinion.

By same:

H. B. 244. An act to amend Section 1726, Article 2, Chapter 47 of the Kentucky Statutes compiled by Hon. John D. Carroll.

By Mr. Meyers of the Committee on Suffrage and Elections.

H. B. 457. An act to amend Section 1453, Kentucky Statutes entitled ballots—how name of candidates placed on—device indicating party—powers and duties of county clerks.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. Meyers of the Committee on Suffrage and Elections to which the same had been referred reported a bill entitled,

H. B. 116. An act qualifying and enabling women to vote for the election of school trustees and other school officers chosen by the people except such officers as women may be disqualified from voting for by the Constitution.

With the expression of opinion that on the part of a majority of said committee that said bill ought not to pass.

Said report is as follows, viz:

The Committee on Suffrage and Elections desire to report H. B. 116 with the expression of opinion it ought not to pass.

HENRY J. MEYERS, Chairman.
J. M. BLAIR,
J. R. CLAYPOOL,
G. G. FRAZIER,
W. H. SHANKS,
W. F. WELCH,
F. J. BROWN,
M. F. POGUE.

Mr. Hunter of said Committee submitted the following minority report, viz:

The Committee on Suffrage and Elections having made a minority report on H. B. 116 and being a member of that Committee I most respectfully submit to this House this report in which I desire to express the opinion that this bill should pass.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all women possessing the legal qualifications required of male voters in any common school election, and who in addition are able to read and write, shall be qualified and entitled to vote at all elections of school trustees and other school officers required to be elected by the people, and upon all school measures or questions submitted to a vote of the people; and all women possessing the legal qualifications required as to males shall be eligible to hold any school office or office pertaining to the management of schools: Provided, however, that this act shall not apply to any election the qualifications of the voters at which are otherwise prescribed by the Constitution, nor to any office as to which the Constitution otherwise prescribes the qualifications of the persons eligible thereto.

§ 2. In all places where a registration of the qualified voters is now or may hereafter be required women who are, by this act, qualified to vote, shall be registered at the same time and place and by the same officers and in the same manner as male voters; their registration, however, being made in a separate book to be furnished by the County Clerk as is prescribed by law in case of male voters. And all the provisions of law relating to the registration of male voters are hereby made applicable to the registration of women qualified to vote by this act.

§ 3. When the elections referred to in Section 1 of this act are held on the same day with the State, county or city elections, separate ballots, similar to those required in other elections, except that they contain only the names of candidates for school officers or questions relating to schools, shall be provided for women voters qualified under this act; otherwise the election shall be held according to the provisions of the general election law.

§ 4. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. Clay moved to substitute the minority report for majority report.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Clay and Niles were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	Samuel D. Hines,	W. F. Pitman,
V. A. Bradley,	R. Dillard Hunter,	J. F. Porter,
O. Houston Brooks,	S. B. Johnson,	Geo. W. Reid,
J. T. Buford,	O. M. Kelsey,	S. C. Roberts,
J. P. Chinn,	J. H. Lackey,	H. A. Schoberth,
Sidney G. Clay,	H. L. Lewis,	S. A. Shanklin,
Z. A. Clore,	Hugh Mahin,	W. Logan Shearer,
Z. T. Coleman,	Ben E. Niles,	John S. Steers,
Albert J. Counts,	S. P. Parks,	J. W. Turner,
W. B. Creekmore,	C. C. Patrick,	Geo. C. Waggoner,
F. E. Graves,	J. W. Perry,	L. F. Withers,
L. B. Herrington,	W. V. Perry,	J. R. Zimmerman,
R. C. Hill,		—37

Those who voted in the negative were—

R. H. Akin,	H. T. Gartin,	Marion F. Pogue,
J. W. Berkshire,	T. D. Graham,	W. Price,
P. W. Berkshire,	Harris, Robt. L.	R. A. Read,
Eli Berry,	John W. Holland,	G. T. Reynolds,
J. M. Blair,	Hite Huffaker,	H. T. Rich,
Frank J. Brown,	W. G. Keen,	J. F. Richardson,
L. H. Carter,	Wm. F. Klair,	J. T. Riherd,
W. G. Caudill,	L. C. Littrell,	Farris Roberts, Jr.,
Henry Chunn,	J. H. McWaters,	S. M. Russell,

J. R . Claypool,	Don G. McVean,	
M. G. Colson,	Frank S. Moore,	J. J. Taylor,
Peter J. Cosgrove,	H. J. Meyers,	Edward A. Weber,
W. L. Craig,	W. H. Newell,	W. F. Welch,
H. C. Duffy,	L. C. Owings,	W. R. Whitlow,
L. H. Francies,	John C. Pirtle,	J. H. Williams,
G. G. Frazier,		—46

The question being taken on ordering said bill to a reading the opinion of the majority of the committee to the contrary notwithstanding it was decided in the negative.

And so said bill was rejected.

At 1:30 o'clock the House adjourned until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

At 3:30 o'clock P. M. the House met pursuant to adjournment.

Mr. Klair moved that the rules be suspended and that the Calendar be reported and the committees called for reports.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 208. An act relating to bonds of public officials and other bonds required by law.

H. B. 241. An act further regulating the liability of common carriers doing business in this State to their employes for injuries sustained by such employees while in the performance of their duties to such common carrier.

With an amendment thereto.

S. Res. 11. Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

H. B. 498. An act to allow the Fiscal Court of McLean County to construct a sewer from the court house of said county for the protection of the health of the citizens of McLean County.

S. B. 29. An act to regulate the sale of opium or its alkolodial salts or their derivatives or any admixtures thereof.

With an amendment thereto by way of substitute therefor.

H. B. 386. An act entitled "Ditches and underground drainage."

H. B. 224. An act to further regulate telephone companies doing business in this State.

H. B. 230. An act to provide for warehouseing of cotton seed and its products.

H. B. 453. An act fixing the weights of packages and regulating the trade in wheat flour and cornmeal.

S. B. 68. An act to provide for the investment of the capital stock and accumulations of insurance companies.

Ordered that said bills and resolution be read the second time.

The constitutional provisions as to the third reading of said bills and resolution at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills and resolution be placed in the Orders of the Day.

Mr. Crecelius of the Committee on State Prisons and Houses of Reform to which the same had been recommitted reported a bill entitled,

S. B. 77. An act to repeal Section 1136, Chapter 36 of the Kentucky Statutes and to substitute therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of Section 1136, Chapter 36, of the Kentucky Statutes be stricken out and the following substituted therefor, so that said section as re-enacted shall read: That the jury by which an offender, indicted for a felony, is tried shall ascertain only whether or not said person is guilty of the offense charged; if said person shall be found by the jury guilty of a felony, the jury shall so state in its verdict; and if the indictment under which he is prosecuted charges an offense consisting of more than one degree shall find and in the verdict say of what degree they find him guilty; after such finding or verdict of the jury, the court trying said offender shall pronounce upon such person an indeterminate sentence of imprisonment in the penitentiary for a term, stating in such sentence and judgment the minimum and maximum limits thereof and fixing as the minimum tie of such imprisonment the term now or hereafter prescribed by law as the minimum term of imprisonment for the punishment of the offense stated in the verdict and as the maximum time of such imprisonment the term now or hereafter prescribed by law as the maximum term of imprisonment for the punishment of such offense; provided, however, in the trial of persons charged with the commission of a felony punishable by death or confinement in the penitentiary for life, if said person is found guilty by the jury it shall also prescribe the punishment in its verdict and the court trying said

offender shall pronounce upon such person a sentence of death or imprisonment for life, as found by the jury. A person sentenced to life imprisonment under the provisions of this act shall be eligible to parole as now or may hereafter be prescribed by law.

The jury by which an offender charged with a misdemeanor is tried, or, if a jury trying a person indicted for a felony shall find such person guilty of a misdemeanor, the jury shall fix by its verdict the punishment to be inflicted within the periods or amount prescribed by law.

Persons sentenced to punishment by confinement in the penitentiary shall be kept at hard labor; and, in cases where the punishment is a fine or imprisonment in the county jail, or both, the imprisonment shall be by close confinement in the jail of the county where the trial was had, unless otherwise provided; and the prisoner shall also be confined in the jail until the fine and costs are paid, unless otherwise provided.

All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	W. Price,
W. D. Albright,	Hite Huffaker,	Geo. W. Reid,
Eli Berry,	S. B. Johnson,	G. T. Reynolds,
T. M. Bertram,	W. G. Keen,	H. T. Rich,
J. M. Blair,	O. M. Kelsey,	J. F. Richardson,
J. O. Bogie,	Wm. F. Klair,	Farris Roberts, Jr.,

	H. L. Lewis,	Samuel L. Robertson,
O. Houston Brooks,	L. C. Littrell,	S. M. Russell,
J. T. Buford,	J. H. McWaters,	H. A. Schoberth,
L. H. Carter,	Don G. McVean,	S. A. Shanklin,
W. G. Caudill,	Ben E. Niles,	
Sidney G. Clay,	W. H. Newell,	John S. Steers,
J. R. Claypool,	L. C. Owings,	J. J. Taylor,
M. G. Colson,	S. P. Parks,	J. W. Turner,
Peter J. Cosgrove,	C. C. Patrick,	Geo. C. Waggoner,
S. F. Crabtree,	W. V. Perry,	Edward A. Weber,
C. F. Crecelius,	John C. Pirtle,	J. H. Williams,
G. G. Frazier,	Marion F. Pogue,	L. F. Withers,
T. D. Graham,	A. H. Points,	J. R. Zimmerman,

—57

Those who voted in the negative were—

J. W. Berkshire,	W. B. Creekmore,	R. A. Read,
	H. C. Duffy,	J. T. Riherd,
Frank J. Brown,	Samuel D. Hines,	S. C. Roberts,
Henry Chinn,	R. Dillard Hunter,	W. Logan Shearer,
Henry Chunn,	J. H. Lackey,	W. R. Whitlow,
Z. A. Clore,	J. W. Perry,	J. H. Williams, —20
Z. T. Coleman,	W. F. Pitman,	

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved to reconsider the vote by which bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Crecelius of same committee to which the same had been recommitted reported a bill entitled.

S. B. 78. An act to repeal an act entitled "An act concerning the parole of convicts approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903; to provide for the parole

by the Board of Penitentiary Commissioners of persons confined in the penitentiaries and houses of reform and State Reformatories of Kentucky to provide for the employment, care and supervision of such persons while so on parole and to that end for the appointment of an employment agent to define his duties and fix his compensation and to further provide for the final discharge by the said Board of paroled prisoners who shall have been obedient to the terms of their paroles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of the Kentucky Statutes of 1903, be and the same is repealed; and that in lieu thereof the following is enacted:

§ 1. The State Board of Penitentiary Commissioners shall have power and authority, subject to the further provisions of this act, to parole, and permit to go and remain at large outside the buildings and enclosures of the same, any person now, or that hereafter may be, confined in any penitentiary, reformatory, house of reform, or other penal institution of the State that is now, or may hereafter be, placed under the management or control of said board; and the further power and authority, whenever a paroled prisoner shall violate the terms of his parole, commit any offense against the laws, or when, in the opinion of such board the welfare of such paroled prisoner or of society demands, to cause such paroled prisoner to be arrested, retaken and reconfined and kept in the institution from which he was paroled, or other institution under the control of said board to which he might by it have been transferred; and further, the power and authority to finally discharge any such paroled prisoner as shall

have been submissive to the laws, obedient to the terms of his parole, upright in his conduct and industrious and sober in his habits for as much as twelve consecutive months while so at large on parole.

§ 2. No person so confined shall be eligible to parole, or entitled to the provisions of this act, until he shall have served the minimum term of imprisonment provided by law for the crime for which he was so committed, except prisoners committed for life, who shall have actually served five years, nor unless he shall have been obedient to the rules and regulations of the institution in which he is confined for at least nine consecutive months next preceding the date of his parole; nor until he shall have secured, or there shall have been secured for him, some respectable employment with some responsible person or concern at a compensation sufficient to render him self-sustaining, and which shall be evidenced by written contract guaranteeing at least six months continuance of the same. Provided, that prisoners under the age of sixteen years and female prisoners may be paroled without contract for stipulated wages where homes shall have been procured for them in reputable families or apprenticed to responsible persons or concerns under contract for proper support, care and moral supervision. And no contract shall be necessary for the employment of prisoners owning estates the income or proceeds from which will render them self-sustaining.

The Board of Penitentiary Commissioners shall, by its rules, provide proper forms of contract and guaranties applicable to respective classes prisoners in this section enumerated, and may in its discretion, require security for the faithful performance of the same.

§ 3. Nothing in this act shall be construed as requiring such paroled prisoner to reside or remain in this State while so out on parole, unless a particular place of residence be made a condition of his parole, but such prisoner so paroled may at any time before said Board of Penitentiary Commissioners shall have ordered his return

to the institution from which he is paroled or other institution, take up his residence wheresoever he desires, but said prisoner so out on parole, while he remains in this State, shall be required to report his place of residence, conduct, employment, wages received and disposition of same, and any other fact required by the rules of the Board of Penitentiary Commissioners, to the warden, superintendent or chief executive officer of the institution from which he was paroled, in writing, at least once in each thirty days; and, if he shall fail to make such report or any other report required of him by the rules of said board, or if his conduct is reported as not good, the said failure to report or to properly conduct himself shall be deemed a violation of the conditions of his parole, and shall authorize his reimprisonment.

§ 4. No prisoner who has been or may hereafter be allowed to go outside of any of said institutions on parole shall be required while so out on parole to wear the regulation dress of the institution, or other badge, token or thing which will or which is intended to indicate that he is a prisoner or under conviction for crime.

§ 5. It shall be the duty of the Board of Penitentiary Commissioners to investigate all breaches of parole which information may be received by it and to that end, it shall have power and authority to summon and by order coerce the attendance of witnesses before it, and each member of said board shall have the power to administer an oath to swear and examine witnesses touching the same.

§ 6. An order of the Board of Penitentiary Commissioners signed by the Chairman or acting Chairman thereof, shall be sufficient warrant and authority to the Warden, Superintendent, or other officer in charge of any of the institutions referred to in this act and so directed by said order to discharge from custody any prisoner in such order named; and directed to be released and an order of said board so signed shall be sufficient warrant and authority to all sheriffs,

marshals, constables, policemen and other peace officers of this State, to arrest and deliver to the institution and the officer thereof named in said order and to said officer of the institution to receive and reimprison the person in the order named.

It is made the duty of any peace officer or officers to execute any order directed to him or them under this act by arresting and conveying such paroled prisoner to the institution named in such order, and delivering him to the officer in charge of such institution; and such peace officer shall receive therefor such compensation as is provided by law for arresting and for conveying prisoners to the penitentiary, which shall be paid to him out of the State Treasury, and the said Board of Penitentiary Commissioners shall certify said claim for services to the Auditor of Public Accounts, who shall draw his warrant for the same in favor of the claimant upon the Treasury of this State.

§ 7. Prisoners paroled under the provisions of this act shall at all times be under the control and supervision of and subject to the orders, rules and directions of the Board of Penitentiary Commissioners, and in the legal custody of the chief executive officer of the institution from which they were paroled.

§ 8. When any prisoner paroled under this act shall have faithfully kept and observed the terms of his parole, obeyed the law, remained sober, industrious and honest in his demeanor for the full term of twelve consecutive months while so on parole, the Board of Penitentiary Commissioners shall have power and authority to finally discharge said prisoner from custody, if in its judgment such discharge would be proper; and in event of such final discharge, he shall not be thereafter subject to reimprisonment by reason of the conviction under which he was originally committed. But nothing in this act shall be construed as entitling such paroled prisoner to such final

discharge, except at the discretion of the said board, and the decision of the said board on all applications for discharge shall be final and conclusive, unless subsequently modified or exchanged by it.

§ 9. For the purpose of making effective the provisions of this act, there is hereby created the office of Employment Agent, the incumbent of which shall be so known and designated. Said Employment Agent shall be appointed by and hold office during the pleasure of the State Board of Penitentiary Commissioners; he shall receive a salary of $100.00 per month, which shall be paid monthly out of the State Treasury, and the Auditor of Public Accounts shall draw his warrant on the Treasury of the same upon the certification thereof by the chairman of said board. He shall also receive his actual necessary traveling expenses while in the discharge of his duties as such officer, which shall be paid in like manner and upon like certification.

Said Employment Agent shall have his office with and be at all times subject to the orders and directions of the said Board of Pentientiary Commissioners. It shall be the duty to solicit, procure, and make contracts, subject to the approval of said board for the suitable employment, in advance of their parole, of such persons as may be paroled by said Board; to assist them in keeping so employed at all times while so on parole; to visit, inspect and report to said board in such manner and at such times as it may by rule provide, concerning the employment, habits, and surroundings of such paroled prisoners; and where such surroundings or employment are not beneficial to any person on parole, to recommend and endeavor to procure for him different employment; to counsel, aid and encourage such paroled prisoners, and assist them to become self-sustaining and useful members of society; to investigate and report on breaches of parole, and to perform such other duties and make such other reports as may from time to time be required of him by said board. He shall keep familiar with the names and character of work that can be performed

by persons confined and eligible to parole, and with the reports of paroled prisoners, and with their failures to report and the causes of such failures. He shall give his whole time to the work of his department and shall not engage in other employment while holding said office. All prisoners on parole under this act shall at all times be subject to the visitation and interrogations of said Employment Agent, and required to furnish him any information respecting their habits, surroundings and conduct that he may require in the discharge of his duties hereunder.

If and as it shall become necessary in looking after or procuring employment for any prisoner paroled under this act, or investigating the propriety of a parole or any breach of a parole the Board of Penitentiary Commissioners may detail some employe of either of the Institutions under its control to perform such special service, and such specially detailed employe, while in the performance of such special service, shall receive his necessary actual traveling expenses to be paid by the State in same manner and upon similar certification as is provided herein for the payment of the expenses of the Employment Agent but shall not receive any compensation for his time except that pertaining to his regular employment.

§ 10. If the warden or other officer of any of the institutions embraced by this act, or any peace officer in this State, shall willfully fail or refuse to execute or obey the orders of said Board of Penitentiary Commissioners made or issued under this act, such person shall, upon conviction be fined in the sum of not less than twenty-five dollars and not more than two hundred dollars for each offense, in the discretion of the court or jury trying the same; and the Circuit Court of the county wherein said offense is committed shall have exclusive jurisdiction to try said offense.

§ 11. Nothing in this act shall be construed to affect the constitutional power of the Governor of this State to pardon, reprieve or

respite any person who may be charged with or convicted of a crime in this Commonwealth.

§ 12. All acts and parts of acts in conflict with this act are hereby repealed.

Mr. Klair moved that this afternoon session be extended indefinitely.

Said motion was agreed to.

Mr. Carter offered the following amendment to said bill:

Amend by striking out Section eight.

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Carter and Herrington were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	L. H. Francies,	J. F. Porter,
J. W. Berkshire,	Chas. W. Fulton,	W. Price,
P. W. Berkshire,	T. D. Graham,	R. A. Read,
T. M. Bertram,	Robt. L. Harris,	H. T. Rich,
J. M. Blair,	L. B. Herrington,	J. F. Richardson,
Frank J. Brown,	S. B. Johnson,	J. T. Riherd,
J. T. Buford,	W. G. Keen,	Farris Roberts, Jr.,
L. H. Carter,	J. H. Lackey,	S. C. Roberts,
W. G. Caudill,	H. L. Lewis,	S. A. Shanklin,
J. P. Chinn,	L. C. Owings,	W. Logan Shearer,
J. R. Claypool,	S. P. Parks,	J. J. Taylor,
M. G. Colson,	C. C. Patrick,	J. W. Turner,
Albert J. Counts,	J. W. Perry,	Edward A. Weber,
S. F. Crabtree,	John C. Pirtle,	W. F. Welch,
W. B. Creekmore,	Marion F. Pogue,	W. R. Whitlow,
H. C. Duffy,	A. H. Points,	J. R. Zimmerman,

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J. O. Bogie,	F. E. Graves,	W. H. Newell,
Victor A. Bradley,	Samuel D. Hines,	W. V. Perry,
O. Houston Brooks,	John W. Holland,	Geo. W. Reid,
Z. A. Clore,	Hite Huffaker,	G. T. Reynolds,
Z. T. Coleman,	Wm. F. Klair,	Samuel L. Robertson,
Peter J. Cosgrove,	Hugh Mahin,	S. M. Russell,
W. L. Craig,	J. H. McWaters,	W. H. Southall, Jr.,
C. F. Crecelius,	Don G. McVean,	John S. Stears,
G. G. Frazier,	Ben E. Niles,	L. F. Withers,

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Mr. Chinn offered the following amendment to said bill:

Amend by adding at the end of said bill the words "Provided that no corporal punishment shall be inflicted for any violation of this law."

Said amendment was agreed to.

Mr. Duffy offered an amendment to said bill.

Mr. Klair entered a motion to reconsider the vote by which this afternoon's session was extended.

Mr. Klair moved that said bill and amendment be recommitted to the Committee on State Prisons and Houses of Reform.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Chinn and Shearer were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	J. F. Porter,
Eli Berry,	L. B. Herrington,	W. Price,
J. O. Bogie,	John W. Holland,	Geo. W. Reid,
Victor A. Bradley,	Hite Huffaker,	G. T. Reynolds,

O. Houston Brooks,	R. Dillard Hunter,	J. F. Richardson,
W. G. Caudill,	O. M. Kelsey,	S. C. Roberts,
Sidney G. Clay,	Wm. F. Klair,	S. M. Russell,
J. R. Claypool,	Hugh Mahin,	H. A. Schoberth,
Z. T. Coleman,	J. H. McWaters,	S. A. Shanklin,
Peter J. Cosgrove,	Don G. McVean,	W. H. Southall, Jr.,
S. F. Crabtree,	Ben E. Niles,	John S. Stears,
W. L. Craig,	W. H. Newell,	Geo. C. Waggoner,
C. F. Crecelius,	W. V. Perry,	L. F. Withers,
G. G. Frazier,	Marion F. Pogue,	J. R. Zimmerman,
T. D. Graham,	A. H. Points,	—44

Those who voted in the negative were—

W. D. Allbright,	Wm. S. Dean,	J. W. Perry,
J. W. Berkshire,	H. C. Duffy,	John C. Pirtle,
P. W. Berkshire,	L. H. Francies,	R. A. Read,
T. M. Bertram,	Chas. W. Fulton,	H. T. Rich,
J. M. Blair,	Robt. L. Harris,	J. T. Riherd,
J. T. Buford,	S. B. Johnson,	Farris Roberts, Jr.,
L. H. Carter,	W. G. Keen,	W. Logan Shearer,
J. P. Chinn,	I. H. Lackey,	J. J. Taylor,
Henry Chunn,	H. L. Lewis,	Edward A. Weber,
Z. A. Clore,	L. C. Littrell,	W. F. Welch,
M. G. Colson,	S. P. Parks,	W. R. Whitlow,
Albert J. Counts,	C. C. Patrick,	J. H. Williams,
W. B. Creekmore,		—37

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, a bill of the following title, viz:

H. B. 51. An act to authorize and regulate the recordation of agreements for pooling farm products.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives

in open session in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

The hour of 5.30 o'clock p. m. having arrived, the House adjourned until to-morrow morning at 1.10 o'clock.

SATURDAY, FEBRUARY 26, 1910.

The House was opened with prayer by the Rev. Father T. S. Major of the Roman Catholic Church.

The reading of the journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed a bill of the following title, viz:

S. B. 26. An act to establish a bureau of vital statistics and provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Bureau of Vital Statistics as required to be established by the State Board of Health; to provide for reporting of morbidity statistics and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing penalties.

Said bill was ordered to be printed and referred to the Committee on Public Health.

Mr. Shanks of the Committe on Rules called up for consideration from the Orders of the Day a bill entitled,

H. B. 78. An act to amend Chapter 21 of the acts of 1906 entitled "An act to amend Section 2560 of the Kentucky Statutes. it being a portion of Article 1 of Chapter 81 of the Kentucky Statutes entitled "Liquors—intoxicating".

Together with the substitute heretofore proposed therefor by a minority of the Committee.

(For bill see House Journal February 16th.)

By unanimous consent of the House the substitute amendment heretofore proposed by the minority of the Committee on Public Morals was withdrawn.

Mr. Carter offered the following amendment to said bill:

Amend by striking out the word "not" after the word "shall" and before the word "operate" in line twenty-one and by striking from the twenty-fifth and twenty-sixth lines the words "but the status of such territorial division shall remain as if no such election had been held."

Said amendment was disagreed to.

Mr. Carter offered the following amendment to said bill:

Strike out the words "then the status in the several precincts thereof shall remain as it was before said election" and substitute therefor the words "then license may be granted to sell, barter or loan spirituous, vinous, malt or other liquors in the entire district or city in which such election was held."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
P. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
Victor A. Bradley,
O. Houston Brooks,
J. T. Buford,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
L. B. Herrington,
R. C. Hill,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
W. T. Kenton,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
Frank S. Moore,
Ben E. Niles,
S. P. Parks,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Stears,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

J. W. Berkshire,	W. L. Craig,	John M. Letterle,
Eli Berry,	L. H. Francies,	Don G. McVean,
J. M. Blair,	H. T. Gartin,	H. J. Meyers,
Frank J. Brown,	F. E. Graves,	W. H. Newell,
S. M. Carson,	Robt. L. Harris,	L. C. Owings,
L. H. Carter,	Samuel D. Hines,	J. W. Perry,
W. G. Caudill,	John W. Holland,	W. Price,
J. P. Chinn,	Hite Huffaker,	Samuel L. Robertson,
Sidney G. Clay,	Wm. F. Klair,	Edward A. Weber,
Peter J. Cosgrove,		—28

Resolved that the title thereof be as aforesaid.

Mr. Niles moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

The following pairs were announced, viz:

Mr. Kenton with Mr. Duffy.

Mr. Kenton if present and voting would vote in the affirmative. And Mr. Duffy would vote in the negative.

Mr. Letterle with Mr. Steers.

Mr. Letterle if present and voting would vote in the negative and Mr. Steers would vote in the affirmative.

Under the rules of the House the following bills were taken up for consideration from the Orders of the Day upon request of the Committee on Rules.

The House took up for consideration from the Orders of the Day joint resolution entitled:

S. Res. 11. Resolution for appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated the sum of eight thousand two hundred dollars for the purpose of paying the necessary extra expenses of this General Assembly; four thousand one hundred dollars to be for the use of and under the control of the Senate, and four thousand one hundred dollars to be for the use of and under the control of the House of Representatives.

§ 2. The amount herein set apart to the Senate to be paid to the Sergeant-at-Arms of the Senate, and the amount set apart to the House of Representatives to be paid to the Sergeant-at-Arms of the House of Representatives at such times and in such sums as may be certified by the Chief Clerks of the respective Houses.

§ 3. The Sergeant-at-Arms of the Senate and House shall pay out said money to such persons, in such sums and at such times as shall be ordered and directed by the chairman of the Committee on Rules of the respective Houses, and they shall not pay out such appropriation or any part thereof for any purpose, or to any person other than indicated by the said chairman of the Committee on Rules and upon their order.

§ 4. Before the final adjournment of this session of the General Assembly said Sergeant-at-Arms shall make to their respective Houses an itemized statement showing the amounts paid out, and to whom, and if any balance remain in their hands it shall be covered back into the Treasury of the State.

§ 5. The Auditor of Public Accounts is hereby directed to draw his warrant upon the State Treasurer for the sums above set out in favor of the said Sergeant-at-Arms respectively upon the certificates of the Chief Cleks as aforesaid.

§ 6. It being necessary that this sum be appropriated in order that the business of this General Assembly be transacted properly and expeditiously an emergency is hereby declared to exist, and this resolution shall take effect upon its adoption.

Ordered that said resolution be read the third time.

The constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on concurring in said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	W. F. Pitman,
W. D. Allbright,	L. B. Herrington,	A. H. Points,
J. W. Berkshire,	R. C. Hill,	J. F. Porter,
Eli Berry,	Samuel D. Hines,	L. R. Ray,
J. M. Blair,	John W. Holland,	Geo. W. Reid,
J. O. Bogie,	Hite Huffaker,	H. T. Rich,
Victor A. Bradley,	R. Dillard Hunter,	J. F. Richardson,
O. Houston Brooks,	W. G. Keen,	J. T. Riherd,
Frank J. Brown,	O. M. Kelsey,	S. C. Roberts,
J. P. Chinn,	Wm. F. Klair,	Samuel L. Robertson,
Henry Chunn,	J. H. Lackey,	S. M. Russell,
Sidney G. Clay,	L. C. Littrell,	H. A. Schoberth,
J. R. Claypool,	J. H. McWaters,	S. A. Shanklin,
Z. A. Clore,	Don G. McVean,	W. H. Shanks,

Peter J. Cosgrove,	Frank S. Moore,	W. H. Southall, Jr.,
W. L. Craig,	H. J. Meyers,	Edward A. Weber,
C. F. Crecelius,	Ben E. Niles,	W. R. Whitlow,
Chas. W. Fulton,	W. H. Newell,	J. H. Williams,
H. T. Gartin,	L. C. Owings,	L. F. Withers,
T. D. Graham,	W. V. Perry,	J. R. Zimmerman,

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Those who voted in the negative were—

L. H. Carter,	C. C. Patrick,	R. A. Read,
Albert J. Counts,	J. W. Perry,	Farris Roberts, Jr.,
H. C. Duffy,	John C. Pirtle,	W. Logan Shearer,
S. P. Parks,	W. Price,	J. J. Taylor,

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Resolved that the title thereof be as aforesaid.

Mr. Brooks moved that the vote by which said resolution was concurred in be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 347. An act to regulate the establishment of industrial schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, company, corporation or association to own, control, operate or maintain any industrial school, college or institute where farming or any other occupation, trade, profession or calling is taught or sought to be taught in its

course of study or instruction where such person, company, corporation or association owns, operates, or controls exceeding 75 acres of land unless said person, company, corporation or association shall obtain the consent of the majority of the legal voters residing in the voting precinct where such school is to be maintained or operated in the manner hereinafter provided.

§ 2. Before any such school, college or institute shall hereafter commence operation the person, company, corporation or association owning or controlling said school shall apply to the judge of the County Court of the county wherein said school, college or institute is located or sought to be located or operated for permission to operate, conduct or maintain such school, college or institute and thereupon it shall be the duty of the said county judge to call an election in the voting precinct wherein such school, college or institute is located or sought to be located, operated or maintained for the purpose of taking the sense of the legal voters residing in said precinct upon the question of whether or not such school, college or institute shall be located, operated or maintained in said voting precinct, and in the event a majority of the legal voters in said voting precinct, voting upon said proposition, shall vote for the granting of said permission, then the said county judge shall grant same; but if the vote in said voting precinct be against granting such permission, then said county judge shall not grant such permission.

§ 3. When application for such permission is filed with the judge of the County Court of the county wherein such school, college or institute is sought to be located, operated or maintained, said judge shall call an election to be held between the hours of 6 o'clock a. m. and 4 o'clock p. m. on a date to be fixed by him, giving notice thereof by at least twenty written or printed notices posted in conspicuous places in said precinct for at least forty days prior to the

date fixed for said election, and the Board of Election Commissioners for such county shall appoint the officers of the election to hold said election in such precinct where a vote is ordered, which officers shall be two judges, one clerk and one sheriff, whose duties and qualifications shall be the same as those serving in a general election; and said election officers shall certify the result of the vote within three days to the Board of Election Commissioners of said county, who shall canvass the returns and certify the result to the county judge of said county. All expenses for the said election to be paid by the applicant for such permission.

§ 4. Any person, company, corporation or association who shall own, operate, control or maintain any such school, college or institute without procuring the permission hereinbefore set out shall be fined one hundred dollars for each and every day such school is so owned, operated, controlled or maintained.

§ 5. The provisions of this act shall not apply to cities of the First, Second, Third or Fourth Class or to those schools, colleges and institutes already built and in actual operation for a period of one year before the passage of this act.

§ 6. All laws and parts of laws in conflict with this act are hereby repealed.

This act shall take effect from the date of its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in

accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	Marion F. Pogue,
J. W. Berkshire,	L. B. Herrington,	A. H. Points,
P. W. Berkshire,	Samuel D. Hines,	J. F. Porter,
Eli Berry,	John W. Holland,	W. Price,
J. M. Blair,	Hite Huffaker,	R. A. Read,
O. Houston Brooks,	R. Dillard Hunter,	Geo. W. Reid,
Frank J. Brown,	S. B. Johnson,	J. F. Richardson,
J. T. Buford,	O. M. Kelsey,	J. T. Riherd,
L. H. Carter,	Wm. F. Klair,	Farris Roberts, Jr.,
W. G. Caudill,	J. H. Lackey,	S. C. Roberts,
Henry Chunn,	L. C. Littrell,	Samuel L. Robertson,
J. R. Claypool,	J. H. McWaters,	S. M. Russell,
Z. A. Clore,	Don G. McVean,	H. A. Schoberth,
Peter J. Cosgrove,	Frank S. Moore,	S. A. Shanklin,
S. F. Crabtree,	H. J. Meyers,	W. H. Shanks,
W. L. Craig,	Ben E. Niles,	Geo. C. Waggoner,
C. F. Crecelius,	W. H. Newell,	Edward A. Weber,
H. C. Duffy,	L. C. Owings,	W. R. Whitlow,
G. G. Frazier,	J. W. Perry,	L. F. Withers,
Chas. W. Fulton,	W. V. Perry,	J. R. Zimmerman,
T. D. Graham,	John C. Pirtle,	—63

Those who voted in the negative were—

W. D. Allbright,	R. A. Read,	J. J. Taylor,
Sidney G. Clay,	W. Logan Shearer,	W. F. Welch,
Robt. L. Harris,	W. H. Southall, Jr.,	—7

Resolved that the title thereof be as aforesaid.

Mr. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 484. An act providing that eight hours shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth.

H. B. 149. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906.

S. B. 93. An act to provide for and to authorize the refunding and repayment of inheritance taxes where the amount of the legacy to each legatee was less than five hundred dollars.

H. B. 380. An act limiting the time in which certain actions by the Commonwealth, county, city, or other taxing districts may be instituted.

H. B. 381. An act to protect purchasers of land where same has been previously sold for delinquent taxes.

H. B. 341. An act declaring all dogs in this Commonwealth personal property and the subject of larceny and fixing on them an ad valorem value and taxing same.

H. B. 63. An act to prevent double taxation and to place the burden of taxation upon the real owner of property in the form of notes, secured by mortgage or purchase money lien upon real estate.

H. B. 244. An act to amend Section 1726, Article 2, Chapter 47 of the Kentucky Statutes compiled by Hon. John D. Carroll.

H. B. 457. An act to amend Section 1453, Kentucky Statutes entitled ballots—how name of candidates placed on—device indicating party—powers and duties of county Clerks.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles and ordered placed in the Orders of the Day.

The hour of 1:30 o'clock p. m. having arrived,

The House adjourned until Monday next, the 28th instant at 12 o'clock meridian.

MONDAY, FEBRUARY 28, 1910.

The House was opened with prayer by the Rev. J. S. Sims of the Methodist Episcopal Church, South.

The reading of the journal of the proceedings of Saturday last was dispensed with.

Mr. Klair moved that the session of to-day be extended until the call of the committees is had.

Said motion was agreed to.

The Enrolling Clerk of the House delivered to the Chief Clerk of this House the original and enrolled copy of a bill entitled,

H. B. 51. An act to authorize and regulate the recordation of agreements for pooling farm products.

Ordered that the said Chief Clerk deliver the said enrolled copy to the Governor.

After a time said Chief Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled,

H. B. 66. An act to amend an act entitled "An act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908.

The Committee on Rules called up from the Orders of the Day the following bills, viz:

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 364. An act to further regulate registration in this Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section one thousand, four hundred and ninety-three (1493) Carroll's compilation of the Kentucky Statutes, nineteen hundred and nine (1909), be amended by inserting therein after the word "down" and before the word "and," in the seventh line thereof, these words. "And he shall, at the same time, write or stamp on the certificate of registration the said consecutive number of the name of the voter so registered," so that said section, as amended shall read:

"In making the registration, the clerk shall act as the recording officer, and the judges shall decide all questions relating to the qualifications of persons offering to be registered, except that, in case of a difference of opinions between the judges, the clerk shall have the casting vote. It shall be the duty of the clerk to number, consecutively the names recorded under each letter of the alphabet as they are taken down; and he shall, at the same time, write or stamp on the certificate of registration the said consecutive number of the name of the voter so registered, and at the close of the registration each day, he shall sign his name as clerk after the last name no more names can be recorded above his, and shall foot up and certify, in the back of the registration book, the whole number of names recorded at that registration on said day; and this certificate shall be signed by all the officers of registration before leaving the place of registration, and in the presence of bystanders, any two of whom may, if they desire, sign their names as witnesses thereto. In addition to the requirements above, the clerk shall sign his name, as such clerk at the foot of each page."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	G. H. Plitt,
W. D. Allbright,	Chas. W. Fulton,	Marion F. Pogue,
J. W. Berkshire,	L. B. Herrington,	L. R. Ray,
P. W. Berkshire,	R. C. Hill,	R. A. Read,
Eli Berry,	John W. Holland,	Geo. W. Reid,
T. M. Bertram,	Hite Huffaker,	J. F. Richardson,
O. Houston Brooks,	R. Dillard Hunter,	J. T. Riherd,
Frank J. Brown,	W. G. Keen,	Farris Roberts, Jr.,
J. T. Buford,	W. T. Kenton,	S. M. Russell,
L. H. Carter,	O. M. Kelsey,	W. H. Shanks,
W. G. Caudill,	Wm. F. Klair,	W. Logan Shearer,
J. P. Chinn,	J. H. Lackey,	W. H. Southall, Jr.,
Henry Chunn,	Don G. McVean,	John S. Stears,
Z. A. Clore,	Frank S. Moore,	J. J. Taylor,
Z. T. Coleman,	R. H. Moss,	E. E. Trivette,
M. G. Colson,	Ben E. Niles,	J. W. Turner,
Albert J. Counts,	L. C. Owings,	Geo. C. Waggoner,
Peter J. Cosgrove,	J. W. Perry,	W. F. Welch,
S. F. Crabtree,	W. V. Perry,	W. R. Whitlow,
W. L. Craig,	John C. Pirtle,	L. F. Withers,
C. F. Crecelius,	W. F. Pitman,	J. R. Zimmerman,
H. C. Duffy,		—64

Resolved that the title thereof be as aforesaid.

Mr. P. M. Berkshire moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 135. An act to declare lawful agreements to abstain from growing crops of any given time for any defined period.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the growers of any kind of farm products to agree to abstain from growing any kind of crops for any given period received.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of the said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R . Claypool,
C. F. Crecelius,
G. G. Frazier,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
R. C. Hill,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
Don G. McVean,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. M. Russell,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Stears,

Z. A. Clore,	Frank S. Moore,	J. J. Taylor,
Z. T. Coleman,	R. H. Moss,	E. E. Trivette,
M. G. Colson,	Ben E. Niles,	J. W. Turner,
Albert J. Counts,	L. C. Owings,	Geo. C. Waggoner,
Peter J. Cosgrove,	C. C. Patrick,	W. R. Whitlow,
S. F. Crabtree,	J. W. Perry,	L. F. Withers,
W. L. Craig,	W. V. Perry,	J. R. Zimmerman,

—69

Resolved that the title thereof be as aforesaid.

Mr. Claypool moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 253. An act to further regulate the pooling of farm products.

Said bill was as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Be it enacted by the General Assembly o fthe Commonwealth of Kentucky:

§ 1. It is hereby declared lawful for any number of persons to combine, unite or pool any or all of the crops of wheat, tobacco, corn, oats, hay or other farm products raised by them, or proposed to be raised by them, whether or not the said crops have been sown, set, pitched or planted, for the purpose of classifying, grading, storing,

holding, selling or disposing of same, either in parcels or as in a whole, in order or for the purpose of obtaining a greater or higher price therefor, than they might or could obtain to receive by selling said crops separately or individually.

§ 2. Whereas, it is greatly to the interests of the farmers of the Commonwealth and the public generally that the privilege defined in Section 1 of this act should be speedily declared, an emergency is declared to exist and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	G. H. Plitt,
W. D. Allbright,	T. D. Graham,	Marion F. Pogue,
J. W. Berkshire,	F. E. Graves,	L. R. Ray,
P. W. Berkshire,	Robert L. Harris,	R. A. Read,
Eli Berry,	L. B. Herrington,	Geo. W. Reid,
T. M. Bertram,	John W. Holland,	G. T. Reynolds,
J. M. Blair,	Hite Huffaker,	J. F. Richardson,
O. Houston Brooks,	R. Dillard Hunter,	J. T. Riherd,
Frank J. Brown,	S. B. Johnson,	Farris Roberts, Jr.,
J. T. Buford,	W. T. Kenton,	S. C. Roberts,
L. H. Carter,	O. M. Kelsey,	S. M. Russell,
W. G. Caudill,	Wm. F. Klair,	W. H. Shanks,

Henry Chunn,	J. H. Lackey,	W. Logan Shearer,
Sidney G. Clay,	Don G. McVean,	W. H. Southall, Jr.,
J. R. Claypool,	Frank S. Moore,	John S. Stears,
Z. A. Clore,	R. H. Moss,	J. J. Taylor,
Z. T. Coleman,	H. J. Meyers,	E. E. Trivette,
M. G. Colson,	Ben E. Niles,	J. W. Turner,
Albert J. Counts,	L. C. Owings,	Geo. C. Waggoner,
Peter J. Cosgrove,	C. C. Patrick,	Edward A. Weber,
S. F. Crabtree,	J. W. Perry,	W. R. Whitlow,
W. L. Craig,	W. V. Perry,	L. F. Withers,
C. F. Crecelius,	John C. Pirtle,	J. R. Zimmerman.
H. C. Duffy,	W. F. Pitman,	—71

Resolved that the title thereof be as aforesaid.

Mr. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 303. An act to limit the power of cities of the Third Class and towns to sell, lease or mortgage any water works system or lighting system or income thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no city of the third class, or town which is, or may hereafter be, the owner of any water-works system, or lighting system by gas or electricity, shall sell or convey or lease or mortgage or otherwise incumber the same, or the income therefrom, without the assent of two-thirds of the total number of legal voters of such city

or town voting at the election held for that purpose, to be held only after sixty consecutive days' notice thereof, next before such election, published in said city or town, in the newspaper having the largest circulation therein.

Ordered that the said bill be read the third time.

The constitutional provision as to the third reading of said bil at length being dispensed with

Said bill was read the third time by its title and passed

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Chas. W. Fulton,	W. F. Pitman,
W. D. Allbright,	T. D. Graham,	G. H. Plitt,
J. W. Berkshire,	F. E. Graves,	R. A. Read,
P. W. Berkshire,	Robt. L. Harris,	Geo. W. Reid,
Eli Berry,	L. B. Herrington,	G. T. Reynolds,
T. M. Bertram,	R. C. Hill,	J. F. Richardson,
J. M. Blair,	John W. Holland,	J. T. Riherd,
Frank J. Brown,	R. Dillard Hunter,	Farris Roberts, Jr.,
J. T. Buford,	S. B. Johnson,	S. C. Roberts,
S. M. Carson,	W. G. Keen,	S. M. Russell,
W. G. Caudill,	W. T. Kenton,	W. H. Shanks,
Henry Chunn,	O. M. Kelsey,	W. Logan Shearer,
Sidney G. Clay,	Wm. F. Klair,	W. H. Southall, Jr.,
J. R. Claypool,	J. H. Lackey,	John S. Stears,
Z. A. Clore,	Don G. McVean,	J. J. Taylor,
Z. T. Coleman,	Frank S. Moore,	E. E. Trivette,
M. G. Colson,	R. H. Moss,	J. W. Turner,
Albert J. Counts,	Ben E. Niles,	Geo. C Waggoner,

Peter J. Cosgrove,	L. C. Owings,	Edward A. Weber,
S. F. Crabtree,	C. C. Patrick,	W. F. Welch,
W. L. Craig,	J. W. Perry,	L. F. Withers,
C. F. Crecelius,	John C. Pirtle,	J. R. Zimmerman,
G. G. Frazier,		—68

Resolved that the title thereof be as aforesaid.

Mr. Berry moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 259. An act to authorize arbitration of matters in controversy between the Commonwealth of Kentucky and contractor for labor of convicts, the Auditor of Public Accounts to name an arbitrator, the contractor to name another and the two thus selected to select the third and providing for the settlement of the award.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Board of Prison Commissioners and the Hoge-Montgomery Company to arbitrate all matters of difference which have arisen under the contract for prison labor dated November 10, 1906, as follows:

The Auditor of Public Accounts may name an arbitrator, the Hoge-Montgomery Company another, and the two thus selected may select a third, an award by a majority of whom shall be final.

§ 2. The proceedings for said arbitration shall be regulated by the provisions of the sixth chapter of the Kentucky Statutes.

§ 3. Should the award be in favor of the Commonwealth of Kentucky, a copy of same filed in the office of the Clerk of Franklin Circuit Court shall entitle the Commonwealth to an execution for costs. Should the finding be in favor of the Hoge-Montgomery Company, then the finding shall be carried out by the Board of Prison Commissioners, as if written in the contract and should any sum be awarded as damages, the Hoge-Montgomery Company shall be entitled to deduct from its monthly payments to the State an amount equal to 10 per cent. of such payment until the entire award shall be paid. Provided: That no sum shall be drawn from the Treasury on account of any such award, and provided further that no cost shall be awarded against the Commonwealth.

§ 4. As the interests of the Commonwealth demand speedy justice to parties contracting with it an emergency is declared to exist.

Ordered that the said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	C. F. Crecelius,	R. A. Read,
W. D. Allbright,	L. H. Francies,	Geo. W. Reid,
J. W. Berkshire,	G. G. Frazier,	G. T. Reynolds,
P. W. Berkshire,	Chas. W. Fulton,	J. F. Richardson,
Eli Berry,	F. E. Graves,	J. T. Riherd,

J. M. Blair,	L. B. Herrington,	S. C. Roberts,
Frank J. Brown,	John W. Holland,	S. M. Russell,
J. T. Buford,	R. Dillard Hunter,	W. H. Shanks,
S. M. Carson,	W. T. Kenton,	W. Logan Shearer,
W. G. Caudill,	O. M. Kelsey,	W. H. Southall, Jr.,
Henry Chunn,	Wm. F. Klair,	John S. Stears,
Sidney G. Clay,	J. H. Lackey,	J. J. Taylor,
J. R. Claypool,	Frank S. Moore,	E. E. Trivette,
Z. T. Coleman,	R. H. Moss,	Geo. C. Waggoner,
M. G. Colson,	Ben E. Niles,	Edward A. Weber,
Peter J. Cosgrove,	L. C. Owings,	W. F. Welch,
S. F. Crabtree,	J. W. Perry,	L. F. Withers,
W. L. Craig,	Marion F. Pogue,	J. R. Zimmerman,

—54

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Meyers of the Committee on Municipalities which originated the same reported bills of the following titles, viz:

H. B. 524. An act to amend the charter of the cities of the Second Class by creating a Board of Public Safety to have charge of the Police and Fire systems of the cities and leaving with the Police and Fire Patrols the control of the Fire Department thereof.

H. B. 525. An act to repeal an act entitled "An act to amend and re-enact Section 3140, Kentucky Statutes," approved March 22, 1906, and to amend and re-enact Section 3140, of the Kentucky Statutes compiled by John D. Carroll and to amend and re-enact Section 3138 of the Kentucky Statutes.

Said bills were severally read the first time at length ordered to be printed and placed on the Calendar.

Mr. Berry of the Committee on Court of Appeals to which the same had been recommitted reported a bill entitled,

H. B. 3. An act to provide for the reporting and publication of the opinions of the Court of Appeals of Kentucky.

Together with the substitute heretofore proposed therefor by said Committee.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Court of Appeals—a majority of the members concurring—shall in June, 1910, and every four years thereafter, appoint a reporter, who shall hold his office for a term of four years, subject to be removed at any time by the Court. The reporter may, upon direction of the court, appoint a clerk at a salary of seventy-five dollars per month, payable monthly out of the State Treasury. The reporter shall receive for his services twenty-four hundred dollars per annum, payable monthly out of the State Treasury.

§ 2. The reporter shall prepare for publication in the Kentucky Reports, under the supervision of the court and subject to such rules and regulations as it may make, all opinions rendered, except those not intended for publication.

§ 3. All opinions of the court shall be written, but the court may indicate such opinions as it deems proper not to be published and these opinions shall not be printed or published by any person.

§ 4. A majority of the court, the Chief Justice being chairman, shall constitute a Board of Commissioners for the purpose of having the opinions of the court published. The Commissioners shall in September, 1911, and every four years thereafter, advertise, by pub-

lication in one paper published in and having the largest circulation in Frankfort, Lexington and Louisville, for sealed bids for printing and binding the State Reports for a term of four years beginning with January 1st succeeding the advertisement. The contract shall be let to the lowest and best bidder, and shall contain such conditions and provisions as the court may desire to incorporate in it. The person to whom the contract is let shall enter into a bond to be fixed by the court for the faithful performance of his duties, and the court may at any time upon the failure or refusal of the contractor to perform his contract or any part thereof, cancel the same and re-let the contract for the unexpired term after due advertisement.

§ 5. The number of copies of each report to be published as well as the paper and binding shall be specified in the contract; and the reports when printed and bound shall be delivered to the Librarian, who shall furnish one copy thereof to each officer entitled thereto, and sell the remainder to any person desiring to purchase at a price not exceeding the actual cost of same—the price to be fixed by the court.

§ 6. There shall be no copyright of the reports, and the stereotype plates of each volume shall be delivered by the printer to the State Librarian, who shall preserve them as the property of the Commonwealth.

§ 7. Whenever the original edition of any volume is exhausted the Librarian shall from time to time have printed by the lowest and best bidder new editions when ordered so to do by the court, and sell the same at a price to be fixed by the court.

§ 8. The said Board of Commissioners shall also cause to be printed and published weekly or every two weeks in a pamplet to be called the Kentucky Law Reporter all of the opinions of the

court intended for publication and handed down in the preceding week or two weeks, and shall let out to the lowest and best bidder, under such rules and regulations as the board may adopt, the contract for printing the same. The contract shall be for a term of four years, and the work shall be executed in such manner as the board may direct. The contractor shall execute bond with good surety for the faithful performance of his duties, and before letting tioned. And the court may at any time upon the failure or refusal of the contractor to perform his contract or any part thereof, cancel the same and re-let the contract for the unexpired term after due advertisement.

§ 9. The reporter of the court shall furnish to the contractor, in accordance with rules to be prescribed by the court, the opinions for publication, together with the syllabi for each opinion, the names of the attorneys engaged in the case and a brief index.

§ 10. The cost of publishing the Kentucky Reports and the pamphlet opinions shall be paid out of the State Treasury upon warrants to be issued by the State Auditor upon presentation to him of a voucher signed by the chairman of the Board of Commissioners.

§ 11. The State Librarian shall receive subscriptions for the pamphlet opinions at the rate of ($3.00) three dollars per year, payable in advance, and may expend not exceeding ten (10) per cent thereof in soliciting subscriptions; he shall keep a record of the name and address of each subscriber, the date and expiration of his subscription and the amount paid by him, and when paid, and shall ever thirty (30) days cover into the State Treasury all subscriptions received, together with a statement giving the name of the person from whom each subscription was received, and the date and amount thereof, and also a statement of the amount expended. He shall furnish the contractor with the name and address of each subscriber, the date and expiration of his subscription, and when a

subscriber's term is out his name shall be dropped from the subscription list unless his subscription is paid. Copies of the pamphlet shall be sent free of expense to each Circuit Judge and Commonwealth's Attorney in the State, to the Judges of the Court of Appeals, the State Librarian, and the Attorney General.

§12. All acts and parts of acts in conflict with this act are hereby repealed.

The substitute as proposed to said bill by said Committee is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Court of Appeals—a majority of the members concurring—shall in June, 1910, and every four years thereafter, appoint a reporter, who shall hold his office for a term of four years subject to be removed at any time by the court. The reporter may, upon direction of the court, appoint a clerk at a salary of seventy-five dollars per month, payable monthly out of the State Treasury. The reporter shall receive for his services twenty-four hundred dollars per annum, payable monthly out of the State Treasury.

§ 2. The reporter shall prepare for publication in the Kentucky Reports, under the supervision of the court and subject to such rules and regulations as it may make, all opinions rendered; and all opinions of the court shall be written and published.

§ 3. A majority of the court, the Chief Justice being Chairman, shall constitute a Board of Commissioners for the purpose of having the opinions of the court published. The Commissioners shall in September, 1911, and every four years thereafter, advertise, by publication in one paper published in and having the largest circu-

lation in Lexington, Frankfort and Louisville, for sealed bids for printing and binding the State Reports for a term of four years beginning with January 1st, succeeding the advertisement. The contract shall be let to the lowest and best bidder and shall contain such conditions and provisions as the court may desire to incorporate in it. The person to whom the contract is let shall enter into a bond to be fixed by the court for the faithful performance of his duties, and the court may at any time upon failure or refusal of the contractor to perform his contract or any part thereof, cancel the same and re-let the contract for the unexpired term after due advertisement.

§ 4. The number of copies of each report to be published as well as the paper and binding shall be specified in the contract; and the reports when printed and bound shall be delivered to the Librarian, who shall furnish one copy thereof to each officer entitled thereto, and sell the remainder to any person desiring to purchase at a price not exceeding the actual cost of same—the price to be fixed by the court.

§ 5. There shall be no copyright of the reports, and the stereotype plates of each volume shall be delivered by the printer to the State Librarian, who shall preserve them as the property of the Commonwealth.

§ 6. Whenever the original edition of any volume is exhausted the Librarian shall from time to time have printed by the lowest and best bidder new editions when ordered so to do by the court, and sell the same at a price to be fixed by the court.

§ 7. The said Board of Commissioners shall also cause to be printed and published weekly in a pamphlet to be called the Advance Sheets of the Kentucky Reports, all the opinions of the court handed down in the preceding week, and shall let out to the lowest and best bidder under such rules and regulations as the board may

adopt, the contract for printing the same. The contract shall be for a term of four years, except as hereinafter provided, and the work shall be executed in such manner as the board may direct. The contractor shall execute bond with good surety for the faithful performance of his duties, and before letting the contract the board shall advertise in the papers heretofore mentioned. And the court may at any time upon the failure or refusal of the contractor to perform his contract or any part thereof, cancel the same and relet the contract for the unexpired term after due advertisement. Provided, That the first contract shall be let to expire on January 1, 1912, and thereafter the contract shall be for four years.

§ 8. The reporter of the court shall furnish to the contractor, in accordance with rules to be prescribed by the court, the opinions for publication, together with the syllabi for each opinion, the names of the attorneys engaged in the case and a brief index.

§ 9. The cost of publishing the Kentucky Reports and the pamphlet opinions shall be paid out of the State Treasury upon warrant to be issued by the State Auditor upon presentation to him of a voucher signed by the chairman of the Board of Commissioners.

§ 10. The State Librarian shall receive subscriptions for the pamphlet opinions at the rate of ($3.00) three dollars per year, payable in advance, and expend not exceeding ten (10) per cent thereof in soliciting subscriptions; he shall keep a record of the name and address of each subscriber, the date and expiration of his subscription and the amount paid by him, and when paid, and shall every thirty (30) days cover into the State Treasury all subscriptions received, together with a statement giving the name of the person from whom each subscription was received, and the date and amount thereof, and also a statement of the amount expended. He shall furnish the contractor with the name and address of each

subscriber, and the date and expiration of his subscription, and when a subscriber's term is out his name shall be dropped from the subscription list unless his subscription is paid. Copies of the pamphlet shall be sent free of expense to each Circuit and County Judge, Commonwealth's and County Attorney in the State, to the Judges of the Court of Appeals, the State Librarian, and the Attorney-General.

§ 11. All acts and parts of acts in conflict with this act are hereby repealed.

Mr. Graves offered the following amendment to said substitute, viz.:

Amend by adding at the end of Section six, the following: Provided, That the Court of Appeals shall be required to consider the reports of its decisions published by any publishing house.

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Carter and Klair were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	O. M. Kelsey,	W. F. Pitman,
O. Houston Brooks,	Wm. F. Klair,	J. F. Porter,
Frank J. Brown,	J. H. McWaters,	L. R. Ray,
J. P. Chinn,	Don G. McVean,	Geo. W. Reid,
H. C. Duffy,	Frank S. Moore,	W. H. Southall, Jr.,
T. D. Graham,	R. H. Moss,	John S. Stears,
F. E. Graves,	Ben E. Niles,	L. F. Withers,
R. Dillard Hunter,	John C. Pirtle,	J. R. Zimmerman,

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Those who voted in the negative were—

W. D. Allbright,	W. L. Craig,	W. Price,
J. W. Berkshire,	L. H. Francies,	R. A. Read,
P. W. Berkshire,	G. G. Frazier,	G. T. Reynolds,
Eli Berry,	Chas. W. Fulton,	H. T. Rich,
J. M. Blair,	Robt. L. Harris,	J. F. Richardson,
J. T. Buford,	L. B. Herrington,	J. T. Riherd,
S. M. Carson,	John W. Holland,	Farris Roberts, Jr.,
L. H. Carter,	Hite Huffaker,	S. C. Roberts,
W. G. Caudill,	S. B. Johnson,	S. M. Russell,
Henry Chunn,	W. G. Keen,	S. A. Shanklin,
Sidney G. Clay,	W. T. Kenton,	W. H. Shanks,
J. R. Claypool,	J. H. Lackey,	W. Logan Shearer,
Z. A. Clore,	Hugh Mahin,	J. J. Taylor,
Z. T. Coleman,	H. J. Meyers,	E. E. Trivette,
M. G. Colson,	L. C. Owings,	J. W. Turner,
Albert J. Counts,	C. C. Patrick,	Edward A. Weber,
Peter J. Cosgrove,	W. V. Perry,	W. F. Welch,
S. F. Crabtree,	G. H. Plitt,	W. R. Whitlow,

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Said substitute was then adopted.

Ordered that said bill as amended by said substitute be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed and the same being engrossed it was read the third time by its title and as amended passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
Robt. L. Harris,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
S. B. Johnson,
W. T. Kenton,
Wm. F. Klair,
J. H. Lackey,
Hugh Mahin,
H. J. Meyers,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
G. H. Plitt,
Marion F. Pogue,
W. Price,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
J. J. Taylor,
E. E. Trivette,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
L. F. Withers,

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Those who voted in the negative were—

R. H. Akin,
T. M. Bertram,
F. E. Graves,
R. Dillard Hunter,
O. M. Kelsey,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
Ben E. Niles,
John C. Pirtle,
W. F. Pitman,
J. F. Porter,
L. R. Ray,
Geo. W. Reid,
W. H. Southall, Jr.,
J. H. Williams,
J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Carter moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Klair of the Committee on Municipalities to which the same had been recommitted reported a bill entitled.

H. B. 287. An act relating to public improvements in cities of the Second Class.

Together with an amendment thereto by way of substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to enable cities of the Second Class to improve or re-improve their streets, sidewalks, alleys or other public ways, or to construct or re-construct sewers uopn the ten (10) year plan, the General Council shall have the power, by ordinance, to establish improvement districts, and to include in such districts such property as abuts the streets, sidewalks, alleys or any public way proposed to be improved. The ordinance creating such improvement district shall in general terms describe boundaries thereof, and the character of improvement proposed to be made. After such ordinance has been adopted, it shall be the duty of the Superintendent or Board of Public Works, to have made an estimate of the cost of such proposed improvement, and to report same to the General Council. Thereupon the General Council may by ordinance provide that such improvement shall be made upon the ten (10) year plan.

§ 2. Such ordinance, providing for such improvement, shall describe the streets, sidewalks, alleys or other public ways, to be improved in said District, and also the boundaries of said District, and character of material to be used in making such improvement.

§ 3. If the ten (10) year plan is provided for, the city may issue bonds bearing not exceeding six per centum per annum interest, in such denominations as may be provided for by ordinance. Said bonds shall be divided into ten (10) series, and each series to be as nearly equal as possible, and to be due in one, two, three, four, five, six, seven, eight, nine and ten years. To secure the payment of such bonds the city may pledge the lien created upon such property as may be assessed by the city, and the revenue expected to be derived from the assessment of such property.

§ 4. The assesment made by the city of the property in such District shall be payable in ten equal installments, and shall be due and payable on the first day of July of each year in the same manner as other ad valorem municipal taxes. Such special assessments shall bear interest at the rate of six per centum per annum from the date of said bonds, provided said special assessments may be paid at any time.

§ 5. The money derived from such special assessments shall be kept by the City Treasurer in a serarate fund, to be known as a sinking fund, and shall be used only for the purpose of paying or buying said bonds. Said sinking fund shall be disbursed as other sinking funds of the city are required to be disbursed by law.

§ 6. All laws or parts of laws in conflict herewith, in so far as same conflict herewith, are hereby repealed.

Said substitute is as follows, viz.:

An act to amend and re-enact Section 3105 of the Kentucky Statutes relating to the construction of sewers in cities of the Second Class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3105 of the Kentucky Statutes relating to the construction of sewers in cities of the Second Class be, and the same is hereby amended and re-enacted so as to read as follows:

§ 3105. The General Council shall have power to construct sewers along or under any of the streets, alleys or highways of the city, and may assess the entire cost thereof, including intersections, upon the lots and lands in the neighborhood of said sewers which may be benefited thereby, according to the benefits received, and may levy a special local tax on such lots and lands for the cost of such improvement so assessed thereon, which tax shall be due and payable at the office of the city treasurer, upon completion of the work and acceptance thereof by the general council, and no property shall be exempt from such improvement tax. In every case the general council shall, by ordinance or resolution, fix and determine what lots and lands are benefited thereby, and fix and determine the amount of tax to be levied upon the several lots or lands so benefited: Provided that where the cost of a sewer does not exceed the sum of one dollar per abutting foot of the property bounding or abutting upon the streets, alleys or highways in, under or along which such sewer may be constructed, then such bounding or abutting property shall be deemed the property benefited thereby, and such cost shall be apportioned and assessed equally on such abutting lots or lands according to the feet abutting. No ordinance for the construction of a sewer at the cost of the abutting or benefited property owners shall be passed until a resolution declaring such construction a necessity and setting out in general terms the property subject to the payment of the cost of same, shall have been passed by a two-thirds vote of the members-elect of each board of the general council, and its determination as to the neces-

sity of any such sewer shall be final. All property benefited by such improvement belonging to the city shall be considered and assessed as the property of individuals and the assessment thereon shall be paid by the city out of the general funds of the city.

The tax provided for herein shall be a lien on such abutting or benefited property, as the case may be, from the time of the publication of the ordinance levying such tax, and the same shall bear six per cent per annum interest from such time until paid, and if not paid within thirty days shall have added thereto a penalty of ten per cent of the tax. Provided, there shall be no interest charged on any tax paid within such thirty days. The lien herein provided for shall take precedence over all other liens, whether created prior or subsequent thereto, except State, county and municipal taxes and prior improvement taxes, and shall be defeated or postponed by any private or judicial sale or by any mortgage or by any error or mistake in the description of the property or in the names of the owners thereof. No shall any error in the proceedings of the general council exempt any property from the lien for, or payment of, such taxes after the work has been done and accepted as provided in this section; but the general council, or the courts in which suits are pending, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event shall the city be liable for any part of the cost of such improvement. Such liens may be enforced, as other liens on real estate, by action brought in the name of the city or the contractor entitled thereto, and, in any such action, an allegation in substance that the improvement had been made and the work accepted pursuant to and by ordinances of the city duly passed in accordance with law, shall be sufficient pleading of the ordinances and proceedings under which the work was done and accepted without setting out the same in full.

(a) The city auditor shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes

as provided in this act, showing the name and portion of the street on which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same, and shall be conclusive evidence of notice, to all persons, of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will report the same to the auditor, who will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. All local taxes paid into the city treasury shall, from time to time, be paid over to the contractor, or other person entitled thereto, upon order of the general council. The auditor shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and no proceeds arising from assessments for one improvement shall be diverted to the payment for any other improvements whatever. The proceeds shall in each case constitute a separate special fund for the payment of the contractor for the particular work for which the assessment is made or for the security and payment of improvement bonds, if any are issued, as hereinafter provided for such improvement.

(b) Except as otherwise provided herein, when any such sewer shall have been constructed and the contract therefor completed, the same shall be accepted and the cost thereof apportioned to and assessed upon the abutting and benefited lots and lands, and a local tax levied thereon in all respects in the manner and with the same effect as provided in Sections 3099 and 3100 of the Kentucky Statutes with reference to the acceptance of street improvement, the apportionment of that part of the cost thereof payable by the abutting property owners, and the levy of the tax therefor. Such taxes may be collected and the lien therefor enforced in all respects as provided in said Section 3100.

(c) The general council may provide for such construction of sewers on the ten year or other annual payment plan and may issue and sell bonds in anticipation of the collection of the special local taxes levied therefor in all respects in the manner and with the same effect as provided in Section 3101 and 3102 of the Kentucky Statutes, relating to the improvement of streets on the ten year plan and issuing bonds to provide funds for the payment therefor.

(d) The general council may provide for the construction of sewers out of the general fund of the city.

§ 2. Whereas, cities of the Second Class in this Commonwealth are in need of the immediate benefit of this act in order that they may make needed improvements in the construction of sewers, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Said substitute was adopted.

Ordered that said bill as amended by said substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and as amended passed.

The yeas and nays being taken on the passage of said bill as amended were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	John C. Pirtle,
W. D. Allbright,	Chas. W. Fulton,	G. H. Plitt,
J. W. Berkshire,	F. E. Graves,	W. Price,
Eli Berry,	Robt. L. Harris,	L. R. Ray,
T. M. Bertram,	L. B. Herrington,	G. T. Reynolds,

J. M. Blair,
O. Houston Brooks,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
L. H. Francies,
R. C. Hill,
John W. Holland,
Hite Huffaker,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
J. W. Perry,
W. V. Perry,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Stears,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman.
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Resolved that the title thereof be as follows, viz.:

An act to amend and re-enact Section 3105 of the Kentucky Statutes relating to the construction of sewers in cities of the Second Class.

Mr. Graves moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Atkin of the Committee on Executive Affairs to which the same had been referred reported a resolution entitled,

S. Res. 13. Resolution providing for the appointment of Commissioners to arrange for Kentucky's participation in the celebration of the Centennial Anniversary of the battle of Lake Erie.

Whereas the Centennial Anniversary of the battle of Lake Erie which witnessed the momentous triumph of Commodore Oliver Hazard Perry and his gallant men in the crowning struggle of the

war of 1812, and at the same time rendered possible the successful conclusion of the military operations under General William Henry Harrison in the same year, will occur in the year 1913, and,

Whereas, the State of Ohio by the action of her executive and Legislative authorities has formulated preliminary plans to celebrate this anniversary in a fitting manner by means of an historical and educational exposition and the erection of a permanent memorial at Put-in-Bay Island during the summer of 1903 and has created a Board of Commissioners to carry said plans forward and to invite therein the co-operation of the State bordering of the Great Lakes and the States of Rhode Island and Kentucky, and,

Whereas, the States of Pennsylvania, Michigan, Illinois, Wisconsin and New York have already joined the State of Ohio in the aforesaid enterprise by the appointment of five commissioners each to co-operate therein while similar legislation is pending in the State of Rhode Island and,

Whereas, legislation is pending in the Congress of the United States having in view the like co-operation of the National Government therein therefore, Be it resolved,

If the House of Representatives concurr, that the Governor be and hereby is authorized to appoint a Commission of five members composed of citizens of the State of Kentucky to consult and co-operate in this laudable enterprise with the Commissioners of Ohio and such other States as are now participating and may in future participate in the proposed celebration. The Commissioners thus appointed will serve without compensation and make report to the Governor of Kentucky relative to the progress of the objects in view prior to the session of the General Assembly in 1912.

Said resolution was concurred in.

The committees to which the same had been referred reported bills of the following titles with the expression of opinion that said bills ought not to pass.

By Mr. Steers of the Committee on Appropriation.

H. B. 406. An act appropriating $5,065.42 for the payment of transportation of the Kentucky State Guards to the World's Fair Encampment at St. Louis in August and September, 1904.

By Mr. Zimmerman of the Committee on County and City Courts.

H. B. 408. An act to amend Section 4121 (7) Kentucky Statutes, Carroll's Edition, 1909.

By same:

H. B. 494. An act to amend Section 1845 of the Kentucky Statutes.

By Mr. Clay of the Committee on Fish and Game.

H. B. 237. An act to protect the citizens of this Commonwealth against hunters.

The question being severally taken on ordering said bills to a reading the opinion of the committee to the contrary notwithstanding it was severally decided in the negative.

And so said bills were rejected.

Mr. Fulton of the Committee on Enrollments, reported that they had examined and found correctly enrolled a joint resolution of the following title, viz:

S. Res. 11. Resolution appropriating money to be used for paying the necessary extra expenses of this General Assembly of the Commonwealth of Kentucky.

Whereupon all other business was suspended, said resolution was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said resolution to the Senate.

By unanimous consent bills were introduced, ordered printed and referred as follows, viz:

By Mr. Hill:

H. B. 526. An act to amend an act entitled An act to amend an act entitled An act to amend an act entitled An act to assign cities and towns of this Commonwealth to the classes to which they belong.

To Committee on Classification of Cities and Towns.

By Mr. Lackey.

H. B. 527. An act to create and establish county savings depositories in this Commonwealth.

To Committee on Banks and Banking.

By Mr. J. W. Perry:

H. B. 528. An act to amend Section 1586, Chapter 41, Kentucky Statutes.

To Committee on Suffrage and Elections.

By Mr. Richardson:

H. B. 529. An act amending Section 3523, Kentucky Statutes, relating to the judicial department of cities of the Fourth Class.

To Committtee on Cities of the Fourth Class.

By same:

H. B. 530. An act to amend Section 3512, Kentucky Statutes, relating to the judicial department of cities of the fourth class.

To Committee on Cities of the Fourth Class.

By Mr. Russell:

H. B. 531. An act to repeal Subsection 2 of Section 223 Criminal Code requiring a defendant in a criminal action to testify first, if at all.

To Committee on Codes of Practice.

By Mr. Blair:

H. B. 532. An act to prevent persons from selling any kind of drug or medicine except legally authorized druggists or pharmacists, physicians and persons living in cities that require a city license without county license.

To Committee on Public Health.

The Committee to which the same had been referred, reported bills of the following titles, viz:

By Mr. Claypool of the Committee on Tuberculosis.

S. B. 198. An act to amend an act entitled "An act to encourage the establishment and maintenance by private contributions of Sanitoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis commonly known as consumption and to make an appropriation to assist such Sanitoria as may be already established in Kentucky and those that may hereafter be established, approved March 26, 1908, and to provide a further appropriation for the purpose of said act.

By Mr. McVean of the Committee on State University and Normal Schools.

S. B. 126. An act for the benefit of the three educational institutions, viz: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment and providing additional resources for the maintenance of said institutions.

By same:

H. B. 345. An act to change the name of State University, Lexington, Kentucky, to University of Kentucky and to amend parts of laws with reference to same.

By Mr. Shanklin of the Committee on Agriculture.

S. B. 67. An act to provide for county inspectors of Apiaries and defining their duties and providing for their compensation for the purpose of curing and avoiding foul brood and other diseases among bees and their hives.

By same:

H. B. 497. An act to amend and re-enact Section 4791, Kentucky Statutes, edition 1909.

By same:

H. B. 470. An act making it unlawful to buy agricultural products by weight and sell by measure.

Without any expression of opinion.

By Mr. Steers of the Committee on Appropriations.

H. B. 495. An act for the benefit of W. Logan Wood, Chief of Police of Danville.

By Mr. Niles of the Committee on Circuit Courts.

S. B. 98. An act to amend an act entitled "An act to create the thirty-third judicial district of Kentucky and to change the 26th, 27th and 28th Circuit Court Judicial Districts of Kentucky and to provide for the holding of courts in the said 26th, 27th 28th, and 33rd districts and to provide for judges and commonwealth's attorneys for same."

By same:

S. B. 13. An act changing and fixing the time for holding courts in Thirty-second Judicial District of Kentucky.

By same:

H. B. 459. An act to create the office of assistant commonwealth's attorney in districts embracing not less than six counties,

With an amendment thereto.

By same:

H. B. 357. An act to prohibit public officers of this Commonwealth from seeking to have their salaries increased during the term for which they are elected.

Without any expression of opinion.

By same:

H. B. 437. An act to amend Section 4245, Kentucky Statutes.

By Mr. Zimmerman of the Committee on County and City Courts.

H. B. 409. An act to amend Section 4315, Kentucky Statutes, edited by Hon. John D. Carroll and the edition of 1909 relating to public roads.

By same:

H. B. 407. An act authorizing the Fiscal Court of each county to purchase such official records, blanks, stationery and office supplies as are necessary in the transaction of official business and for which there is now no provisions of law authorizing the purchase of said articles.

With an amendment thereto.

By same:

S. B. 75. An act to amend Section 1847 of the Kentucky Statutes, 1909 edition, and to provide for the election and appointment of county officers and appointees of the County Commissioner in the event of a tie vote therein.

By Mr. Southall of the Committee on Charitable Institutions.

H. B. 501. An act to amend Subsection 3 of Section 217a. Article 1, Chapter 16, fixing the salary of Secretary of State Board of Control for Charitable Institutions and providing for the payment of his traveling expenses while in the discharge of his duties.

By same:

H. B. 478. An act appropriating money to refund interest paid on Auditor's warrants issued to the three State asylums and Kentucky Institution for the Feeble-minded Children to pay indebtedness incurred in the erection and equipment of power plant at the Kentucky Institution for Feeble-minded Children and for the construction of an adequate water system at the Central Kentucky Asylum for the Insane.

By Mr. Frazier of the Committee on Cities of the Fifth and Sixth Class.

H. B. 485. An act to repeal an act entitled "An act incorporating the town of Flat Gap, Johnson County."

By same:

H. B. 405. An act to authorize cities of the Sixth Class to employ certain peace officers to keep the peace, collect taxes and enforce the ordinances of such cities and to authorize employment of special officers to do same.

By Mr. Clay of the Committee on Fish and Game:

S. B. 144. An act to amend Section 1896 of the Kentucky Statutes relating to destruction of fish by guns loaded with steel balls and copper jackets.

By same:

H. B. 454. An act to amend Section 1900 of the Kentucky Statutes, Carroll's edition and relating to fish.

By Mr. Hunter of the Committee on Internal Improvements.

H. B. 473. An act to regulate turnpike companies of this Commonwealth.

By same:

H. B. 490. An act to repeal in part an act entitled "An act to amend the charter of the Twelve Mile Turnpike Company," approved March 1, 1854, which was approved January 22, 1867, and is chapter one thousand and sixty-seven. Amended March 15, 1898, and is chapter sixty-two of the session acts of 1898.

By Mr. Holland of the Committee on Insurance.

H. B. 234. An act to regulate premiums charged or exacted by guarantee and surety companies.

By Mr. Shanks of the Committee on Judiciary.

S. B. 41. An act designating electrocution as the means of inflicting death sentence.

By Mr. Withers of the Committee on Kentucky Statutes.

H. B. 513. An act to amend Section 2557, 2557a and 2557b of the Kentucky Statutes, Carroll's 1909 edition, being part of an act of March 15, 1894, entitled "Local Option Law" by providing additional penalties to said section so amended for the violation thereof.

By Mr. Craig of the Committee on Land Titles.

H. B. 95. An act to amend and re-enact Sections 4703 and 4704 of Chapter 127 of the Kentucky Statutes compiled by John D. Carroll and issued in 1903, the title of said Chapter being "Treasury Warrant Claims."

By Mr. Pirtle of the Committee on Mines and Mining.

H. B. 516. An act to provide for life saving apparatus for the Chief State Inspector of Mines and Assistant Inspectors.

By Mr. Klair of the Committee on Municipalities.

S. B. 89. An act to provide for the punishment of persons responsible for or directly promoting to the conditions that render a child dependent, neglected or delinquent.

By same:

S. B. 91. An act to amend an act entitled "An act in relation to the control, management and operation of water works in cities of the First Class," approved March 6, 1906, and being Section 3024 of the Kentucky Statutes.

By same:

H. B. 467. An act to authorize the Coroner of a county containing the city of the First Class to appoint a deputy.

By same:

H. B. 468. An act to amend and re-enact Sections 2241 and 2242 of the Kentucky Statutes.

By same:

H. B. 477. An act to amend an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," which was approved March 15, 1894, and thereafter in due course became a law and as same has since been amended all of which said act and amendments now appear as Article 3 of Chapter 89 of the Kentucky Statutes in John D. Carroll's edition thereof in 1909.

By Mr. Meyers of the same Committee.

H. B. 512. An act to create and establish the Kentucky State Board of Examiners in optometry, describing its duties and powers,

defining and regulating the practice of optometry in this State and prescribing penalties for the violation thereof.

By same:

H. B. 28. An act to amend and re-enact Subsection 4 of Section 1, Article 4, of an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, said sub-section being Sub-section 4 of Section 3058 of the Kentucky Statutes of 1903.

By same:

H. B. 521. An act to amend Chapter 52, Article 1, Section 1840, Carroll's Kentucky Statutes 1909.

With an amendment thereto by way of substitute therefor.

By Mr. J. W. Perry of the Committee on Cities of the Fourth Class.

H. B. 27. An act to amend an act for the government of cities of the Fourth Class approved June 28, 1893, relating to the reconstruction of public highways of cities of the Fourth Class.

By same:

H. B. 489. An act to amend an act for the government of cities of the Fourth Class relating to police judges.

By Mr. Chunn of the Committee on Public Library.

H. B. 402. An act to further the duties and powers of the Board of Trustees of the public library created by an act entitled "An act authorizing the establishment of free public libraries in cities of the Second and Third Classes," approved March 21, 1902.

By Mr. Lackey of the Committee on Public Health.

S. B. 26. An act to establish a bureau of vital statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths and burial or removal permits requiring prompt return to the bureau of vital statistics as required to be established by the State Board of Health to provide for the reporting of morbidity statistics and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing certain penalties.

By Mr. Owings of the Committee on Public Roads and Highways, to which the same had been recommitted.

H. B. 272. An act defining motor vehicles, providing for registration of the same and uniform rules regulating the use and speed thereof.

With sundry amendments thereto.

By Mr. P. W. Berkshire of the Committee on Public Ditches and Fences.

H. B. 413. An act providing for the inspection of the dirt roads and public ditches by magistrates within their magisterial districts.

With an amendment thereto by way of substitute therefor.

By Mr. Russell of the Committee on Railroads.

H. B. 312. An act to provide for the safety of the employes of railroads in the State of Kentucky while engaged in yard switching service.

With an amendment thereto by way of substitute therefor.

By Mr. Brooks of the Committee on Revenue and Taxation.

H. B. 517. An act to amend Section 4224, Sub-division 4, Article 12 of Chapter 108, Kentucky Statutes, Act of March 15, 1906, relating to revenue and taxation by changing the license tax required of auctioneers.

By Mr. Buford of the Committee on State Capitol.

H. B. 476. An act relating to the erection of State Buildings.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

And then the House adjourned.

TUESDAY, MARCH 1, 1910.

The House was opened with prayer by the Rt. Rev. C. C. Penick of the Protestant Episcopal Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had passed a bill which originated in the House of Representatives entitled,

H. B. 187. An act to amend and re-enact Section thirty-two Article 2, Chapter 22, of an act entitled, "An act relating to

revenue and taxation" which became a law March 15, 1906, and relating to the compensation allowed assessors and to re-enact said section as amended.

And that they had passed bills of the following titles, viz:

1. S. B. 12. An act to amend Section 3748 of the Kentucky Statutes, Carroll's edition of 1903.

2. S. B. 27. An act to amend Section 965 of the Kentucky Statutes which relates to the time of holding Circuit Courts in the first judicial district.

3. S. B. 40. An act to amend Section 1884 of Chapter 52 of the Kentucky Statutes, Carroll's edition of 1909, entitled "Fiscal Courts."

4. S. B. 50. An act to create and establish the department of the State government under and as a part of the Department of Agriculture to be known as the office of Public Roads and creating the office State Commissioner of Public Roads and prescribing the duties and compensations thereof.

5. S. B. 52. An act qualifying and enabling women to vote for the election of school trustees and other school officers chosen by the people except such offices as women may be disqualified from voting for by the Constitution and upon school measures or questions submitted to a vote of the people and to hold common school offices except such offices as women are disqualified from holding by the Constitution.

6. S. B. 53. An act amending Section 74, Title 5 of the civil codes of practice.

7. S. B. 83. An act changing the time of holding the terms of court in the 27th Judicial District.

8. S. B. 181. An act providing for the payment of the expenses of the Tax Revision Commission and the Advisory Commission and appropriating money therefor.

9. S. B. 247. An act providing a penalty for the mistreatment of animals and for the destruction of animals to prevent suffering.

Said bills were ordered to be printed and referred.

1. To Committee on Kentucky Statutes.
2 and 7. To Committee on Circuit Courts.
3. To Committee on Municipalities.
4. To Committee on Public Roads and Highways.
5. To Committee on Suffrage and Elections.
6. To Committee on Codes of Practice.
8. To Committee on Appropriations.
9. To Committee on Criminal Law.

Mr. Schoberth of the Committee on Rules called for a report of the Calendar.

The House then took up for consideration from the Calendar bills of the following titles, viz:

S. B. 198. An act to amend an act entitled "An act to encourage the establishment and maintenance by private contributions of Sanitoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis commonly known as consumption and make an appropriation to assist such Sanatoria as may be already established in Kentucky and those that may be hereafter established, approved March 26, 1908 and to provide a further appropriation for the purpose of said act.

S. B. 126. An act for the benefit of the three educational institutions viz: State University, Eastern Kentucky State Normal School

and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment and providing additional resources for the maintenance of said institutions.

H. B. 345. An act to change the name of State University, Lexington, Kentucky, to University of Kentucky and to amend parts of laws with reference to same.

S. B. 67. An act, to provide for county inspectors of Apiaries and defining their duties and providing for their compensation for the purpose of curing and avoiding foul brood and other diseases among bees and their hives.

H. B. 497. An act to amend and re-enact Section 4791 Kentucky Statutes edition 1909.

H. B. 470. An act making it unlawful to buy agricultural products by weight and sell by measure.

H. B. 495. An act for the benefit of W. Logan Wood, Chief of Police of Danville.

S. B. 98. An act to amend an act entitled, "An act to create the thirty-third judicial district of Kentucky and to change the 26th, 27th and 28th Circuit Court Judicial District of Kentucky and to provide for the holding of courts in the said 26th, 27th, 28th and 33d disrticts and to provide for judges and Commonwealth's attorneys for same.

S. B. 13. An act changing and fixing the time for holding courts in thirty-second judicial district of Kentucky.

H. B. 459. An act to create the office of assistant Commonwealth's attorney in districts embracing not less than six counties.

With an amendment thereto.

H. B. 357. An act to prohibit public officers of this Commonwealth from seeking to have their salaries increased during the term for which they are elected.

H. B. 437. An act to amend Section 4245 Kentucky Statutes.

H. B. 409. An act to amend 4315 Kentucky Statutes edited by Hon. John D. Carroll and the edition of 1909 relating to public roads.

H. B. 407. An act authorizing the Fiscal Court of each county to purchase such official records, blanks, stationery and office supplies as are necessary in the transaction of official business and for which there is now no provisions of law authorizing the purchase of said articles.

With an amendment thereto.

S. B. 75. An act to amend Section 1847 of the Kentucky Statutes, 1909 edition, and to provide for the election and appointment of county officers and appointees of the County Commissioner in the event of a tie vote therein.

H. B. 501. An act to amend Subsection 3 of Section 217a, Article 1, Chapter 16, fixing the salary of Secretary of State Board of Control for Charitable Institutions and providing for the payment of his traveling expenses while in the discharge of his duties.

H. B. 478. An act appropriating money to refund interest paid on Auditor's warrants issued to the three State Asylums and Kentucky Institution for Feeble-minded children to pay indebtedness incurred in the erection and equipment of power plant at the Kentucky Institution for Feeble-minded children and for the construction of an adequate water system at the Central Kentucky Asylum for the Insane.

H. B. 485. An act to repeal an act entitled "An act incorporating the town of Flat Gap, Johnson County.

H. B. 405. An act to authorize cities of the Sixth Class to employ certain peace officers to keep the peace, collect taxes and enforce the ordinances of such cities and to authorize employment of special officers to do same.

S. B. 144. An act to amend Section 1896 of the Kentucky Statutes relating to destruction of fish by guns loaded with steel balls and copper jackets.

H. B. 454. An act to amend Section 1900 of Kentucky Statutes, Carroll's edition, and relating to fish.

H. B. 473. An act to regulate turnpike companies of this Commonwealth.

H. B. 490. An act to repeal in part an act entitled "An act to amend the charter of the Twelve Mile Turnpike Company," approved March 1, 1854, which was approved January 22, 1867, and is Chapter 1067. Amended March 15, 1898, and is Chapter 62 of the session acts of 1898.

H. B. 234. An act to regulate premiums charged or exacted by guarantee and surety companies.

S. B. 41. An act designating electrocution as the means of inflicting the death sentence.

H. B. 513. An act to amend Section 2557, 2557a and 2557b 2 of the Kentucky Statutes, Carroll's 1909 edition, being part of an act of March 15, 1894, entitled "Local option law" by providing additional penalties to said section so amended for the violation thereof.

H. B. 95. An act to amend and re-enact Section 4703 and 4704 of Chapter 127 of the Kentucky Statutes compiled by John D. Carroll and issued in 1903, the title of said chapter being "Treasury Warrant Claims."

H. B. 516. An act to provide for life saving apparatus for the Chief State Inspector of Mines and Assistant Inspectors.

S. B. 89. An act to provide for the punishment of persons responsible for or directly promoting to the conditions that render a child dependent, neglected or delinquent.

S. B. 91. An act to amend an act entitled "An act in relation to the control, management and operation of water-works in cities of the First Class," approved March 6, 1906, and being Section 3024 of the Kentucky Statutes.

H. B. 467. An act to authorize the Coroner of a county containing a city of the First Class to appoint a deputy.

H. B. 468. An act to amend and re-enact Sections 2241 and 2242 of the Kentucky Statutes.

H. B. 477. An act to amend an act entitled, "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," which was approved March 15, 1894, and thereafter in due course become a law and as same has since been amended all of which said act and amendments now appear as Article 3 of Chapter 89 of the Kentucky Statutes in John D. Carroll's edition thereof in 1909.

H. B. 512. An act to create and establish the Kentucky State Board of Examiners in optometry, describing its duties and powers, defining and regulating the practice of optometry in this State and prescribing penalties for the violation thereof.

H. B. 28. An act to amend and re-enact Subsection 4 of Section 1, Article 4 of an act entitled "An act for the government of cities of the Second Class in the Commonwelah of Kentucky," approved March 19, 1894, said subsection being Subsection 4 of Section 3058 of the Kentucky Statutes of 1903.

H. B. 521. An act to amend Chapter 52, Article 1, Section 1840, Carroll's Kentucky Statutes, 1909.

With an amendment thereto by way of substitute therefor.

H. B. 27. An act to amend an act for the government of cities of the Fourth Class approved June 28, 1893, relating to the reconstruction of public ways of cities of the Fourth Class.

H. B. 489. An act to amend an act for the government of cities of the Fourth Class relating to police judges.

H. B. 402. An act to further the duties and powers of the Board of Trustees of the public library created by an act entitled, "An act authorizing the establishment of free public libraries in cities of the Second and Third Classes," approved March 21, 1902.

S. B. 26. An act to establish a bureau of vital statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths and burial or removal permits requiring prompt return to the bureau of vital statistics as required to be established by the State Board of Health to provide for the reporting of morbidity statistics and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing certain penalties.

H. B. 272. An act defining motor vehicles, providing for registration of the same and uniform rules regulating the use and speed thereof.

With sundry amendments thereto.

H. B. 413. An act providing for the inspection of the dirt roads and public ditches by magistrates within their magisterial districts.

With an amendment thereto by way of substitute therefor.

H. B. 312. An act to provide for the safety of the employees of railroads in the State of Kentucky while engaged in yard or switching service.

With an amendment thereto by way of substitute therefor.

H. B. 517. An act to amend Section 4224, Subdivision 4, Article 12 of Chapter 108, Kentucky Statutes, act of March 15, 1906, relating to revenue and taxation by changing the license tax required of auctioneers.

H. B. 476. An act relating to the erection of State Buildings.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being disposed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

Mr. Schoberth of the Committee on Rules called from the hands of the Committee on State Prisons and Houses of Reform a bill entitled,

S. B. 78. An act to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole; and, to that end, for the appointment of an employment agent, to define his duties and fix his compensation and to further provide for the final discharge by the said Board, of paroled prisoners who shall have been obedient to the terms of their paroles.

Thereupon Mr. Crecelius of said Committee to which the same had been recommitted reported said bill together with the amendments heretofore adopted to same.

(For bill and amendments see House Journal, February 25th.)

Mr. Schoberth moved that the House resolve itself into the Committee of the Whole House for the purpose of considering said bill.

Said motion was agreed to.

Thereupon the Speaker vacated the chair, having designated Mr. Klair as Chairman of the Committee of the Whole House.

After a time the Speaker resumed the chair and called the House to order.

Mr. Klair of the Committee of the Whole House reported that said committee had had under consideration said bill and had instructed him to report the same back to the House together with an amendment thereto by way of substitute for said bill and the amendment heretofore adopted thereto and for pending amendments.

Said substitute is as follows, viz:

An act to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole; and to that end, for the appointment of an employment agent to define his duties and fix his compensation and to further provide for the final discharge by the said Board of Paroled Prisoners who shall have been obedient to the terms of their paroles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of the Kentucky Statutes of 1903, be and the same is repealed; and that in lieu thereof the following is enacted:

§ 1. The State Board of Penitentiary Commissioners shall have power and authority, subject to the further provisions of this act, to parole, and permit to go and remain at large outside the buildings and enclosures of the same, any person now, or that hereafter may be, confined in any penitentiary, reformatory, house of reform, or other penal institution of the State that is now, or may hereafter be, placed under the management or control of said Board; and the further power and authority, whenever a paroled prisoner shall violate the terms of his parole, commit any offense against the laws, or when, in the opinion of such Board the walfare of such paroled prisoner or of society demands, to cause such paroled prisoner to be arrested, retaken and confined and kept in the institution from which he was paroled, or other institution under the control of said Board to which he might by it have been transferred; and further, the power and authority to finally discharge any such paroled prisoner as shall have been submissive to the laws, obedient to the terms of his parole, upright in his conduct and industrious and sober in his habits for as much as twelve consecutive months while so at large on parole.

§ 2. No person so confined shall be eligible to parole, or entitled to the provisions of this act, until he shall have served the minimum term of imprisonment provided by law for the crime for which he was so committed, except prisoners committed for life, who shall have actually served five years, nor unless he shall have been obedient to the rules and regulations of the institution in which he is confined for at

least nine consecutive months next preceeding the date of his parole; nor until he shall have secured, or there shall have been secured for him, some respectable employment with some responsible person or concern at a compensation sufficient to render him self-sustaining, and which shall be evidenced by written contract guaranteeing at least six months continuance of the same. Provided, that prisoners under the age of sixteen years and female prisoners may be paroled without contract for stipulated wages where homes shall have been procured for them in reputable families or apprenticed to responsible persons or concerns under contract for proper support, care and moral supervision. And no contract shall be necessary for the employment of prisoners owning estates the income or proceeds from which will render them self-sustaining.

The Board of Penitentiary Commissioners shall, by its rules, provide proper forms of contract and guarantees applicable to respective classes of prisoners in this section enumerated, and may in its discretion, require security for the faithful performance of the same.

§ 3. Nothing in this act shall be construed as requiring such paroled prisoner to reside or remain in this State while so out on parole, unless a particular place of residence be made a condition of his parole. but such prisoner so paroled may at any time before said Board of Penitentiary Commissioners shall have ordered his return to the institution from which he is paroled or other institution, take up his residence wheresoever he desires, but said prisoner so out on parole, while he remains in this State, shall be required to report his place of residence, conduct, employment, wages received and disposition of same, and any other fact required by the rules of the Board of Penitentiary Commissioners, to the warden, superintendent or chief executive officer of the institution from which he was paroled, in writing, at least once in each thirty days; and, if he shall fail to make such report or any other report required of him by the rules of said Board, or if his conduct is

reported as not good, the said failure to report or to properly conduct himself shall be deemed a violation of the conditions of his parole, and shall authorize his reimprisonment.

§ 4. No prisoner who has been or may hereafter be allowed to go outside of any of said institutions on parole shall be required while so out on parole to wear the regulation dress of the institution, or other badge, token or thing which will or which is intended to indicate that he is a prisoner or under conviction for crime.

§ 5. It shall be the duty of the Board of Penitentiary Commissioners to investigate all breaches of parole of which information may be received by it and to that end, it shall have power and authority to summon and by order coerce the attendance of witnesses before it, and each member of said Board shall have the power to administer an oath and to swear and examine witnesses touching the same.

§ 6. An order of the Board of Penitentiary Commissioners signed by the Chairman or acting Chairman thereof, shall be sufficient warrant and authority to the Warden, Superintendent, or other officer in charge of any of the institutions referred to in this act and so directed by said order to discharge from custody any prisoner in such order named; and directed to be released and an order of said Board so signed shall be sufficient warrant and authority to all sheriffs, marshals, constables, policemen and other peace officers of this State, to arrest and deliver to the institution and the officer thereof named in said order and to said officer of the institution to receive and reimprison the person in the order named.

It is made the duty of any peace officer or officers to execute any order directed to him or them under this act by arresting and conveying such paroled prisoner to the institution named in such order, and delivering him to the officer in charge of such institution; and such peace officer shall receive therefor such compensation as is provided by law

for arresting and for conveying prisoners to the penitentiary, which shall be paid to him out of the State Treasury, and the said Board of Penitentiary Commissioners shall certify said claim for services to the Auditor of Public Accounts, who shall draw his warrant for the same in favor of the claimant upon the Treasury of this State.

§ 7. Prisoners paroled under the provisions of this act shall at all times be under the control and supervision of and subject to the orders, rules and directions of the Board of Penitentiary Commissioners, and in the legal custody of the chief executive officer of the institution from which they were paroled.

§ 8. When any prisoner imprisoned under an indeterminate sentence and paroled under this act shall have faithfully kept and observed the terms of his parole, obeyed the law, remained sober, industrious and honest in his demeanor for the full term of twelve consecutive months while so on parole, the Board of Pentientiary Commissioners shall have power and authority to finally discharge said prisoner from custody, if in its judgment such discharge would be proper; and in event of such final discharge, he shall not be thereafter subject to reimprisonment by reason of the conviction under which he was originally committed. But nothing in this act shall be construed as entitling such paroled prisoner to such final discharge, except at the discretion of the said Board, and the decision of the said Board on all applications for discharge shall be final and conclusive, unless subsequently modified or changed by it.

§ 9. For the purpose of making effective the provisions of this act, there is hereby created the office of Employment Agent, the incumbent of which shall be so known and designated. Said Employment Agent shall be appointed by and hold office during the pleasure of the State Board of Penitentiary Commissioners; he shall receive a salary of one hundred dollars per month, which shall be paid monthly out of the State Treasury, and the Auditor of Public Accounts shall

draw his warrant on the Treasury for the same upon the certification thereof by the Chairman of said Board. He shall also receive his actual necessary traveling expenses while in the discharge of his duties as such officer, which shall be paid in like manner and upon like certification.

Said Employment Agent shall have his office with and be at all times subject to the orders and directions of the said Board of Penitentiary Commissioners. It shall be his duty to solicit, procure, and make contracts, subject to the approval of said Board for the suitable employment, in advance of their parole, of such persons as may be paroled by said Board; to assist them in keeping so employed at all times while so on parole; to visit, inspect and report to said Board in such manner and at such times as it may by rule provide, concerning the employment, habits and surroundings of such paroled prisoners; and where such surroundings or employment are not beneficial to any person on parole, to recommend and endeavor to procure for him different employment; to council, aid and encourage such paroled prisoners, and assist them to become self-sustaining and useful members of society; to investigate and report on breaches of parole, and to perform such other duties and make such other reports as may from time to time be required of him by said Board. He shall keep familiar with the names and character of work that can be performed by persons confined and eligible to parole, and with the reports of paroled prisoners, and with their failures to report and the causes of such failures. He shall give his whole time to the work of his department and shall not engage in other employment while holding said office. All prisoners on parole under this act shall at all times be subject to the visitation and interrogations of said Employment Agent, and required to furnish him any information respecting their habits, surroundings and conduct that he may require in the discharge of his duties hereunder. If and as it shall become necessary in looking after or procuring employment for any prisoner paroled under this act, or investi-

gating the propriety of a parole or any breach of a parole the Board of Penitentiary Commissioners may detail some employe of either of the institutions under its control to perform such special service, and such specially detailed employe, while in the performance of such special service, shall receive his necessary autual traveling expenses to paid by the State in same manner and upon similar certification as is provided herein for the payment of the expenses of the Employment Agent but shall not receive any compensation for his time except that pertaining to his regular employment.

§ 10. If the warden or other officer of any of the institutions embraced by this act, or any peace officer in this State, shall wilfully fail or refuse to execute or obey the orders of said Board of Penitentiary Commissioners made or issued under this act, such person shall, upon conviction be fined in the sum of not less than twenty-five dollars and not more than two hundred dollars for each offence, in the discretion of the court or jury trying the same; and the Circuit Court of the county wherein said offense is committed shall haxe exclusive jurisdiction to try said offense.

§ 11. Nothing in this act shall be construed to effect the constitutional power of the Governor of this State to pardon reprieve or respite any person who may be charged with or convicted of a crime in this Commonwealth.

§ 12. All acts and parts of acts in conflict with this act are hereby repealed.

Said substitute was adopted.

Ordered that said bill as amended by said substitute be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	L. B. Herrington,	W. Price,
J. M. Blair,	John W. Holland,	Geo. W. Reid,
O. Houston Brooks,	Hite Huffaker,	H. T. Rich,
J. T. Buford,	R. Dillard Hunter,	J. F. Richardson,
S. M. Carson,	W. G. Keen,	J. T. Riherd,
L. H. Carter,	W. T. Kenton,	Farris Roberts, Jr.,
W. G. Caudill,	O. M. Kelsey,	S. C. Roberts,
Henry Chunn,	Wm. F. Klair,	S. M. Russell,
Sidney G. Clay,	J. H. Lackey,	H. A. Schoberth,
J. R. Claypool,	H. L. Lewis,	S. A. Shanklin,
Z. T. Coleman,	Hugh Mahin,	W. H. Shanks,
M. G. Colson,	J. H. McWaters,	W. H. Southall, Jr.,
Albert J. Counts,	Don G. McVean,	John S. Stears,
Peter J. Cosgrove,	Frank S. Moore,	E. E. Trivette,
S. F. Crabtree,	R. H. Moss,	J. W. Turner,
W. L. Craig,	H. J. Meyers,	Geo. C. Waggoner,
C. F. Crecelius,	Ben E. Niles,	Edward A. Weber,
W. B. Creekmore,	S. P. Parks,	W. F. Welch,
Wm. S. Dean,	C. C. Patrick,	J. H. Williams,
L. H. Francies,	W. V. Perry,	L. F. Withers,
G. G. Frazier,	G. H. Plitt,	J. R. Zimmerman,
Robt. L. Harris,	A. H. Points,	—66

Those who voted in the negative were—

Frank J. Brown,	J. W. Perry,	W. Logan Shearer,
H. C. Duffy,	L. R. Ray,	W. R. Whitlow,
L. C. Owings,	R. A. Read,	—8

Resolved that the title be as aforesaid.

Mr. Schoberth moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Schoberth of the Committee on Rules called for the reports of committees as follows, viz:

By Mr. Graves of the Committee on Criminal Law:

H. B. 47. An act to prevent the obtaining of goods under false pretenses.

By same:

H. B. 435. An act prohibiting waiters and servants from accepting "tips" in hotels and restaurants.

By same:

H. B. 449. An act to prevent the giving, loaning, furnishing to or procuring for a minor, deadly weapons or materials for loading or discharging such weapons.

By same:

H. B. 492. An act to provide for blood hounds to be kept in each county seat in this Commonwealth if ordered by the Fiscal Court to be paid for out of the county levy.

With an amendment thereto.

By same:

H. B. 499. An act to control the sale of diseased plants to prevent the dissemination of noxious insects and fungi and to prevent the sale of trees and nursery stock not true to name.

By Mr. Points of the Committee on Public Offices:

H. B. 475. An act to increase the salaries of the members of the General Assembly.

By same:

H. B. 314. An act for the benefit of the county clerks of this State.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

H. B. 66. An act to amend an act entitled, "An act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908.

H. B. 187. An act to amend and re-enact Section 32, Article 2, Chapter 22 of an act entitled, "An act relating to revenue and taxation which became a law March 15, 1906, and relating to the compensation allowed assessors and to re-enact said section as amended.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

At the instance of the Committee on Rules, Mr. Crecelius of the Committee on State Prisons and Houses of Reform, to which the same had been recommitted, reported a bill entitled:

S. B. 79. An act to amend an act entitled, "An act to create a Board of Pentitneiary Commissioners, and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled, "An act to create a Board of Pentientiary Commissioners and regulate the Penal Institutions of this Commonwealth," be amended by adding after Section 1 of said act the following:

"§ 1a. The Board of Penitentiary Commissioners is authorized and directed to convert one of the two penitentiaries of this Commonwealth into a penal institution to be known as the Kentucky Penitentiary, in which shall be incarcerated all convicts over the age of thirty years and such other convicts as, in the judgment of the Board of Penitentiary Commissioners, are habitual criminals or guilty of such atrocious crimes or bad conduct as to warrant said board in removing them from the reformatory hereinafter provided for.

"The other penitentiary shall be known as the Kentucky State Reformatory and in it shall be incarcerated all convicts thirty years of age and under except habitual criminals and those guilty of such atrocious crimes or bad conduct as the Board of Penitentiary Commissioners, in its discretion, shall deem it best to confine in The Kentucky Penitentiary. Said board shall be authorized to incur the neces-

sary expense in transferring the convicts from one institution to the other as required under this act and the expense of such transfer shall be paid out of the State Treasury by warrant of the State Auditor upon presentation of an itemized statement of such expense certified by the Board of Penitentiary Commissioners.

"The Board of Penitentiary Commissioners shall provide for the training of each and every convict in the Kentucky Penitentiary and the Kentucky State Reformatory in the common branches of English education; also in some trade, industry or handicraft, and other such rewards as will enable him upon his release to more surely earn his own support and make him more self-reliant and self-supporting. For this purpose said board shall establish and maintain common schools and trade schools in said penitentiary and reformatory and make all needful rules and regulations for the government of the same, incur the necessary expense and do such acts as may be necessary to accomplish such results.

"The Board of Penitentiary Commissioners is authorized to place to the credit of each prisoner such amount of the average per capita earnings of the inmates as said board may deem equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he is imprisoned and his general deportment; provided, that such credit shall in no case exceed twenty per cent of his proportion of the average per capita of earnings and the funds thus accruing to the credit of any prisoner shall be paid to him or his family at such times and in such manner as the Board of Penitentiary Commissioners may deem best; provided, that at least twenty-five per cent of such credit shall be left for and paid to such prisoner at the time of his final discharge by the Board of Penitentiary Commissioners; and, provided, further, that the Warden may, with the approval of the Board of Penitentiary Commissioners, by way of punishment for violation of rules and propriety or any other misconduct cancel or distribute to the family of the prisoner such portion of

such credit as he may deem best. The money derived from the labor of convicts shall be paid into the State Treasury as now provided by law and the amount of the earnings to which each convict shall be entitled shall be certified to the Auditor of State by the Board of Penitentiary Commissioners, with directions to whom such earnings shall be paid and in what amounts and it shall be the duty of the Auditor of the State to draw his warrant upon the State Treasurer in favor of the person and for the amount so designated by the Board of Penitentiary Commissioners.

"The Board of Penitentiary Commissioners is hereby authorized to enter into such agreements with the several contractors having contracts for the hire of the labor of the inmates of the penitentiaries for such modification of the existing contracts as will enable the Board of Penitentiary Commissioners to carry out the letter and spirit of this act."

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Robt. L. Harris,	G. H. Plitt,
W. D. Allbright,	L. B. Herrington,	Marion F. Pogue,
J. W. Berkshire,	John W. Holland,	A. H. Points,
T. M. Bertram,	Hite Huffaker,	W. Price,
J. M. Blair,	R. Dillard Hunter,	Geo. W. Reid,

J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R . Claypool,
Z. T. Coleman,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
Chas. W. Fulton,
H. T. Gartin,
F. E. Graves,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Stears,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
—77

Those who voted in the negative were—

J. W. Perry,
L. R. Ray,
W. Logan Shearer,
J. R. Zimmerman,
—4

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 331. An act to amend Section 1730, Kentucky Statutes, so as to increase the fees of jailers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1730, Chapter 47, Kentucky Statutes, be and the same is hereby amended, to-wit: By striking therefrom after the words "contempt of court" in the fourth subsection of said Section 1730, the words "fifty cents per day," and by inserting in lieu of said words so stricken the following words "seventy-five cents per day," so that said section when so amended shall read as follows:

"§ 1730. The fees of the jailers shall be as follows:

(See further, Sec. 356.)

For attending county and quarterly courts, to be paid out of the county levy, per day, not exceeding $2.00.

For furnishing fuel and lights to county and quarterly courts, a reasonable compensation, not exceeding two dollars per day, to be paid out of the county levy.

For putting a prisoner in irons, for an offense other than felony or contempt, besides the cost of irons; to be paid out of the county levy, 50 cents.

For keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, seventy-five cents per day, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for the violation of a statute, where the city or town gets the benefit of the fine; in that case be paid by such city or town.

For imprisoning and releasing a prisoner charged with a misdemeanor, sixty cents, to be paid out of the county levy, unless confined

for a breach of the by-laws or ordinances of a city or town, or for a violation of a statute, where the city or town gets the benefit of the fine; in that case, to be paid by such city or town. And for imprisoning and releasing a prisoner charged with a felony, sixty cents, to be paid out of the State Treasury. For all other services perrormed by him, the same fees as sheriffs.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R . Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
L. H. Francies,
G. G. Frazier,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
John W. Holland,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
L. C. Owings,
A. H. Points,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Stears,
E. E. Trivette,
Geo. C. Waggoner,

Albert J. Counts,	S. P. Parks,	Edward A. Weber,
Peter J. Cosgrove,	W. V. Perry,	W. F. Welch,
S. F. Crabtree,	John C. Pirtle,	W. R. Whitlow,
W. L. Craig,	W. F. Pitman,	L. F. Withers,
C. F. Crecelius,	G. H. Plitt,	J. R. Zimmerman,
H. C. Duffy,		—70

Those who voted in the negative were—

P. W. Berkshire,	Ben E. Niles,	J. T. Riherd,
Wm. S. Dean,	J. F. Porter,	W. Logan Shearer,
		—8

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

At 3.30 o'clock p. m. the House met pursuant to adjournment.

Mr. Schoberth of the Committee on Rules called up for consideration from the Orders of the Day a bill entitled,

H. B. 266. An act to amend an act to amend Section 4315, Chapter 110, Kentucky Statutes, approved March 24, 1908.

Mr. Clay moved that said bill be recommitted to the Committee on Internal Improvements.

Said motion was agreed to.

Mr. Fulton of the Committee on Enrollments reported that they had examined and found correctly enrolled a bill and a resolution of the following titles,

S. B. 77. An act to repeal Section 1136, Chapter 36 of the Kentucky Statutes and to substitute therefor.

S. Res. 13. Resolution providing for the appointment of commissioners to arrange for Kentucky's participation in the centennial anniversary of the battle of Lake Erie.

Whereupon all other business was suspended, said bill and resolution were severally read at length and compared in open House and were found to be correctly enrolled.

Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bill and resolution to the Senate.

Mr. Schoberth of the Committee on Rules called up for consideration from the Orders of the Day a bill entitled,

H. B. 169. An act for the protection of owners and keepers of hotels creating liens on certain property and providing for the enforcement of the provisions thereof and limiting the liability of hotel keepers and for sale of unclaimed baggage, requiring hotel keepers to give receipts or checks for baggage—no liability in case of fire or overwhelming force.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2179, Kentucky Statutes be, and the same is hereby amended, and when amended will read as follows:

That all hotel proprietors shall have a lien upon all baggage and effects brought into said hotel by his guests, for any and all proper charges due him from such guests for hotel accommodations, said hotel proprietor shall have the right to detain such baggage and effects until the amount of such charges shall have been fully paid, unless said goods have been removed from said place with the consent of such hotel proprietor, the lien herein provided for shall not continue longer than ten (10 days from and after such removal, and none of said baggage and effects shall be exempt from seizure or sale, unless such charges shall have been paid within sixty (60) days from the time the same accrued said hotel proprietor shall have the right to sell such baggage and effects at public auction after giving ten (10) days' notice of the time and place of such sale by publication of such notice in a newspaper of general circulation in the county in which the said hotel is situated, and also by mailing ten days before such sale a copy of such notice addressed to such guest at his postoffice address, if known to said hotel proprietor, and if not known, to his place of residence registered by said guest in the register of such hotel. Such hotel proprietor shall make an entry of the amount received at such sale for each artcile or articles sold thereat, and if the balance, if any remaining after the balance due, together with the expenses of said sale have been paid and shall at any time within one year after such sale refund any surplus so retained to the owner or owners of such article or articles on satisfactory proof of such ownership. In case such balance should not be claimed by the rightful owner or

owners within one year after such sale then it shall be paid to the County Treasurer for the use and benefit of road fund of the county where such sale is made.

§ 2. Any person who shall obtain food, lodging or other accomodations at any hotel within intent to defraud the keepers thereof shall be fined in any sum not exceeding $100.00 (one hundred dollars) or imprisoned in the county jail or city workhouse not to exceed sixty (60) days, either or both in the discretion of the court or jury trying the case. Proof that lodging, food or other accomodations was obtained by false pretense or fictitious show or pretense of any baggage or other property or that the person refused or neglected to pay for such food, lodging or other accommodations on demand or that he absconded without paying or offering to pay for such food, lodging or accommodation or that he surreptitiously removed or attempted to remove his baggage or other property shall be prima facie proof of guilt.

§ 3. It shall be the duty of a guest of any hotel in the State, upon delivering to the proprietor of such hotel or to his servants, any baggage or other article of property of such guest for safekeeping (elsewhere than to the room assigned to such guest), to demand of such hotel proprietor to give a check or receipt therefor in such case, to evidence the fact of such delivery; and no hotel proprietor shall be liable for the loss of or injury to such baggage or other article of property of his guest, unless the same shall have been actually delivered by such guest to such hotel proprietor or to his servants for safekeeping, or unless such loss or injury shall have occurred through the negligence of such hotel proprietor or by his servants or employes in such hotel; and in the event any such baggage so checked shall be lost or injured said hotel proprietor shall not be liable for such loss or injury in excess of the following amounts, respectively: Trunks and contents, $150.00; valises and traveling cases and contents, $50.00;

boxes, parcels and packages and contents, $10.00; all other miscellaneous effects, including wearing apparel and personal belongings, $50.00; unless such loss or injury shall have occurred through the negligence of such hotel proprietor or his servants or employes in such hotel. Provided, that before such guest shall deliver to such hotel proprietor or his employes any trunk, valise, traveling case, or other receptacle containing property or effects of special or unusual value for safekeeping, or for any purpose, he shall notify the management of such hotel to that effect, and acquaint such management with the fact that such trunk, valise, traveling case, or receptacle contains property or effects of special or unusual value, and the approximate amount thereof, and upon his failure to do so, such hotel proprietor shall not be liable to such guest for the loss of or damage to such contents of such trunk, valise, traveling case or receptacle. Whenever any person shall suffer his baggage or property to remain in any hotel longer than ten (10) days after leaving such hotel as a guests, and after the relation of innkeeper and guest between such guest and the proprietor of such hotel has ceased, or shall forward the same to such hotel longer than ten (10) days, before becoming a guest thereof, and the same shall be received into such hotel, such hotel proprietor may, at his option hold such baggage or property at the risk of such owner, or he shall have the right to deposit such baggage or property in a storage warehouse, in which event he shall take from the proprietor of such storage warehouse a receipt for the same in the name of the owner thereof, and hold the same for such owner; and such hotel proprietor, after he shall have deposited such baggage or property in such storage warehouse, shall not be responsible for the loss thereof to such owner, provided he shall deliver to the owner of such baggage or property said storage warehouse receipt upon demand.

No hotel keeper shall be liable for loss in case of fire or overwhelming force where such hotel keeper has exercised ordinary and

reasonable care in the custody thereof the baggage or other property of a guest.

§ 4. That all acts of laws in conflict with this act are hereby repealed.

Mr. Duffy moved that said bill be recommitted to the Committee on Kentucky Statutes.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Shanks and P. W. Berkshire were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	H. L. Lewis,	E. E. Trivette,
T. M. Bertram,	S. P. Parks,	J. W. Turner,
Sidney G. Clay,	C. C. Patrick,	Edward A. Weber,
H. C. Duffy,	R. A. Read,	W. F. Welch,
Robt. L. Harris,	H. T. Rich,	J. H. Williams,
R. C. Hill,	Farris Roberts, Jr.,	—17

Those who voted in the negative were—

R. H. Akin,	W. B. Creekmore,	W. F. Pitman,
J. W. Berkshire,	L. H. Francies,	G. H. Plitt,
P. W. Berkshire,	G. G. Frazier,	Marion F. Pogue,
J. O. Bogie,	H. T. Gartin,	A. H. Points,
O. Houston Brooks,	F. E. Graves,	J. F. Porter,
Frank J. Brown,	L. B. Herrington,	L. R. Ray,
J. T. Buford,	John W. Holland,	Geo. W. Reid,
L. H. Carter,	R. Dillard Hunter,	G. T. Reynolds,
W. G. Caudill,	W. G. Keen,	J. F. Richardson,
J. P. Chinn,	W. T. Kenton,	J. T. Riherd,
Henry Chunn,	O. M. Kelsey,	S. C. Roberts,
J. R. Claypool,	Wm. F. Klair,	S. M. Russell,
Z. A. Clore,	J. H. Lackey,	H. A. Schoberth,

Z. T. Coleman,	Hugh Mahin,	S. A. Shanklin,
M. G. Colson,	Don G. McVean,	W. H. Shanks,
Peter J. Cosgrove,	H. J. Meyers,	W. Logan Shearer,
S. F. Crabtree,	W. H. Newell,	John S. Stears,
W. L. Craig,	L. C. Owings,	L. F. Withers,
C. F. Crecelius,	John C. Pirtle,	J. R. Zimmerman,

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Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with provisions of the Constitution were as follows viz:

Those who voted in the affirmative were—

R. H. Akin,	Chas. W. Fulton,	A. H. Points,
J. W. Berkshire,	H. T. Gartin,	J. F. Porter,
P. W. Berkshire,	F. E. Graves,	L. R. Ray,
J. O. Bogie,	Robt. L. Harris,	Geo. W. Reid,
O. Houston Brooks,	L. B. Herrington,	G. T. Reynolds,
Frank J. Brown,	Samuel D. Hines,	J. F. Richardson,
J. T. Buford,	John W. Holland,	J. T. Riherd,
L. H. Carter,	S. B. Johnson,	Farris Roberts, Jr.,
W. G. Caudill,	W. T. Kenton,	S. C. Roberts,
J. P. Chinn,	O. M. Kelsey,	S. M. Russell,
Henry Chunn,	Wm. F. Klair,	H. A. Schoberth,
Sidney G. Clay,	J. H. Lackey,	S. A. Shanklin,
J. R. Claypool,	Hugh Mahin,	W. H. Shanks,
Z. A. Clore,	Don G. McVean,	W. Logan Shearer,
Z. T. Coleman,	Ben E. Niles,	John S. Steers,
M. G. Colson,	L. C. Owings,	J. J. Taylor,
Peter J. Cosgrove,	S. P. Parks,	E. E. Trivette,
S. F. Crabtree,	C. C. Patrick,	J. W. Turner,
W. L. Craig,	W. V. Perry,	Geo. C. Waggoner,

C. F. Crecelius,	John C. Pirtle,	Edward A. Weber,
W. B. Creekmore,	W. F. Pitman,	J. H. Williams,
L. H. Francies,	G. H. Plitt,	L. F. Withers,
G. G. Frazier,	Marion F. Pogue,	J. R. Zimmerman,

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Those who voted in the negative were—

W. D. Allbright,	H. C. Duffy,	R. A. Read,
T. M. Bertram,		

—4

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Schoberth of the Committee on Rules called up for consideration from the Orders of the Day, a bill entitled.

H. B. 461. An act to provide for a more efficient system of common schools throughout the State, to create county boards of education and to provide for the government and regulation of the common schools.

Mr. Schoberth moved that the House do now adjourn.

Said motion was agreed to.

WEDNESDAY, MARCH 2, 1910.

The House was opened with prayer by the Rev. J. S. Sims, of the Methodist Episcopal Church South.

The reading of the Journal of yesterday's proceedings was dispensed with.

The House took up for consideration the unfinished business of yesterday to-wit: a bill entitled,

H. B. 461. An act to provide for a more efficient system of common schools throughout the State, to create county boards of education and to provide for the government and regulation of the common schools.

Sundry amendments were proposed to said bill.

Mr. Pirtle moved that said bill and amendments be recommitted to the Committee on Education No. 1.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Turner and Welch were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Chas. W. Fulton,	Marion F. Pogue,
W. D. Allbright,	H. T. Gartin,	A. H. Points,
J. W. Berkshire,	F. E. Graves,	J. F. Porter,
P. W. Berkshire,	L. B. Herrington,	L. R. Ray,

J. M. Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R . Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
L. F. Withers,
J. R. Zimmerman,
—79

Those who voted in the negative were—

R. C. Hill,

Mr. Geo. W. Read of the Committee on Redistricting-Judicial reported a bill entitled,

H. B. 491. An act to create the thirty-fourth Judicial District of Kentucky and to change the 26th and 27th Circuit Court Judicial Districts and to provide for the holding of courts in the 26th, 27th and 34th Judicial Districts, and to provide for judges and Commonwealth attorneys.

Said bill was read the first time at length and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the following bills were taken up for consideration from the Orders of the Day, viz:

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 257. An act to appropriate $5,000.00 to assist in erecting a monument or memorial building in Todd and Christian counties at the birth place of Jefferson Davis.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of five thousand dollars is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to be expended in erecting, in the town of Fairview, in the counties of Todd and Christian, a memorial building, or monument, to the memory of Jefferson Davis.

The Governor is hereby directed to appoint a Committee of five persons to act in conjunction with the directors of the Jefferson Davis Home Association, and whenever the president of said association and the five members appointed by the Governor or a majority thereof, and the directors of said association shall certify to the Auditor of the State of Kentucky that the erection of said monument or memorial has been commenced, then the Auditor shall draw a warrant for the said five thousand dollars, payable to the order of the president of the Jefferson Davis Home Association.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	H. T. Gartin,	Marion F. Pogue,
J. W. Berkshire,	F. E. Graves,	A. H. Points,
P. W. Berkshire,	L. B. Herrington,	J. F. Porter,
J. O. Bogie,	R. C. Hill,	L. R. Ray,
O. Houston Brooks,	Samuel D. Hines,	Geo. W. Reid,
Frank J. Brown,	John W. Holland,	G. T. Reynolds,
J. T. Buford,	Hite Huffaker,	J. F. Richardson,
L. H. Carter,	R. Dillard Hunter,	J. T. Riherd,
W. G. Caudill,	W. T. Kenton,	S. C. Roberts,
J. P. Chinn,	O. M. Kelsey,	Samuel L. Robertson,
Henry Chunn,	Wm. F. Klair,	S. M. Russell,
Sidney G. Clay,	J. H. Lackey,	H. A. Schoberth,
J. R. Claypool,	Hugh Mahin,	S. A. Shanklin,
Z. A. Clore,	Don G. McVean,	W. H. Shanks,
Z. T. Coleman,	Frank S. Moore,	W. Logan Shearer,
Peter J. Cosgrove,	R. H. Moss,	John S. Stears,
S. F. Crabtree,	Ben E. Niles,	Geo. C. Waggoner,
W. L. Craig,	L. C. Owings,	Edward A. Weber,
C. F. Crecelius,	J. W. Perry,	W. R. Whitlow,
H. C. Duffy,	W. V. Perry,	L. F. Withers,
G. G. Frazier,	John C. Pirtle,	J. R. Zimmerman,
Chas. W. Fulton,	W. F. Pitman,	—65

Those who voted in the negative were—

W. D. Allbright,	S. M. Carson,	H. L. Lewis,
T. M. Bertram,	S. B. Johnson,	J. J. Taylor,
J. M. Blair,	W. G. Keen,	—8

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 25. An act to amend Section 2054, Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2054, Chapter 63, of the Kentucky Statutes, relating to the State Board of Health, be, and the same is hereby amended, by striking out all of said section and inserting in lieu thereof such words that said section when so amended shall read as follows:

§ 2054. The sum of thirty thousand dollars per annum, or so much thereof as may be found necessary by the State Board of Health, is hereby appropriated for the use of such Board for the following purposes:

(a) To employ a State Bacteriologist at a salary to be fixed by said Board, not to exceed twenty-five hundred dollars, and such assistants as may be found necessary for the proper maintenance of such laboratory.

(b) To make survey and investigation of the rivers, creeks, watersheds, springs, wells and other matters relating to the sources and purity of the water supply in all sections of the State, looking to the protection and purification of the same.

(c) To establish and maintain a bureau of vital statistics, that the causes of sickness and mortality may be known and utilized.

(d) To control and prevent diseases amongst domestic animals.

(e) To pay the salary of the secretary and such clerks, stenographers, sanitary inspectors and other employes as may be actually necessary.

(f) To pay the traveling and such other expenses of the Board as it may find necessary in the proper discharge of its duties, a certified list of all expenditures under this act to be made in its reports.

(g) To arrange for an annual school for county and city health officers, at some centrally located place, for systematic instruction in the best practical method for preventing the diseases above named, and other public health work, said school to continue in session at least three days; and it shall be the duty of each city and county health officer to attend and take part in such school unless prevented by an epidemic in his city or county, or for other reasons satisfactory to the officials conducting the school, and it shall be the duty of each Fiscal Court or city council to pay the actual necessary expenses incurred by its health officer in attending such schools, upon certificates duly attested by the State Board of Health of actual attendance during the entire period for which such school is held and that the charges are reasonable.

All warrants under this act shall be signed by the president and countersigned by the secretary of the Board, and duplicates of all vouchers and an itemized statement of expenditures shall be filed with the Auditor of Public Accounts. The secretary shall give bond in the sum of ten thousand dollars from a reliable insurance company, the fee which shall be paid by the Board, for the faithful performance of his duties and the proper accounting for all funds coming into his hands, and said bond shall be filed with the Auditor of

Public Accounts. The total expenses of the Board shall not exceed the sum hereby appropriated, except for the public printing of said Board, which shall be paid for outside of this appropriation as other public printing is now paid.

§ 2. This act shall take effect and be in force from and after January 21, 1911.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	W. B. Creekmore,	W. V. Perry,
W. D. Allbright,	Wm. S. Dean,	John C. Pirtle,
J. W. Berkshire,	L. H. Francies,	G. H. Plitt,
J. M. Blair,	F. E. Graves,	Marion F. Pogue,
J. O. Bogie,	L. B. Herrington,	A. H. Points,
O. Houston Brooks,	Samuel D. Hines,	Samuel L. Robertson,
Frank J. Brown,	R. Dillard Hunter,	S. M. Russell,
J. T. Buford,	W. G. Keen,	H. A. Schoberth,
S. M. Carson,	W. T. Kenton,	S. A. Shanklin,
J. P. Chinn,	O. M. Kelsey,	W. H. Shanks,
Sidney G. Clay,	Wm. F. Klair,	John S. Steers,
J. R. Claypool,	J. H. Lackey,	Geo. C. Waggoner,
Z. A. Clore,	Don G. McVean,	Edward A. Weber,
Z. T. Coleman,	R. H. Moss,	W. R. Whitlow,
M. G. Colson,	H. J. Meyers,	J. H. Williams,
Peter J. Cosgrove,	W. H. Newell,	L. F. Withers,
C. F. Crecelius,	S. P. Parks,	J. R. Zimmerman,

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Those who voted in the negative were—

L. H. Carter,	Hite Huffaker,	J. F. Richardson,
W. G. Caudill,	S. B. Johnson,	J. T. Riherd,
Henry Chunn,	Ben E. Niles,	Farris Roberts, Jr.,
Albert J. Counts,	L. C. Owings,	S. C. Roberts,
S. F. Crabtree,	J. W. Perry,	W. Logan Shearer,
W. L. Craig,	W. F. Pitman,	J. J. Taylor,
H. C. Duffy,	L. R. Ray,	E. E. Trivette,
G. G. Frazier,	Geo. W. Reid,	J. W. Turner,
R. C. Hill,	G. T. Reynolds,	W. F. Welch, —27

Resolved that the title thereof be as aforesaid.

Mr. Graves moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 91. An act to amend an act entitled "An act in relation to the control, management and operation of water works in cities of the First Class," approved March 6th, 1906, and being Section 3024 of the Kentucky Statutes.

Said bill is as follows, viz:

The following bill was reported from the Senate, ordered to be printed and referred to the Committee on Municipalities, viz:

An act to amend an act entitled "An act in relation to the control, management and operation of water works in cities of the First Class," approved March 6, 1906, and being Section 3024a, of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2, of an act entitled "An act in Relation to the Control, Management and Operation of Water Works in Cities of the First Class," approved March 6, 1906, and being Section 3024a, of the Kentucky Statutes, be amended by striking from said section the words: "Provided, however, that no members of the Board shall be eligible to succeed himself except the three who are first appointed for the short terms of one, two and three years respectively," and inserting in lieu thereof the following: "And such appointees shall be eligible to succeed themselves," to that said section as amended will read as follows:

"The Mayor of any such city shall appoint, subject to the approval of the Board of Aldermen, four (4) persons, who shall constitute a body corporate and be known as its 'Board of Water Works' and the Mayor of such city shall be an ex-officio member of said 'Board of Water Works.' Each appointee shall be at least thirty years of age and reside within the city and be the owner in his own right of real estate situated therein. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said board. The terms of the persons first appointed, as above provided, shall be as follows: One for a term of one year; one for a term of two years; one for a term of three years and one for a term of four years. Thereafter, as their terms expire, their successors shall be appointed in the same manner but for the terms of four years each, and such appointees shall be eligible to succeed themselves. All vacancies upon the board, whether caused by death or resignation, shall be filled for the unexpired term by appointment in the same manner. Each member shall hold his office until his successor has been appointed and qualified."

§ 2. That Section 9, of said act, be amended by striking from said section the words, "One million ($1,000,000) dollars," and inserting in lieu thereof the following: "One million five hundred thousand ($1,500,000) dollars," so that said section as amended will read as follows:

"Said Board of Water Works shall have the authority to borrow money and execute the necessary writings therefor, not to exceed the gross receipts for the current years, for the purpose of providing for any of the obligations of said water works corporation and for the current expenses of said board; and, in addition thereto, whenever said board shall deem it expedient to provide for the refunding of any outstanding bonds of such water works corporation or the funding of its floating indebtedness, it shall have the authority (the Commissioners of the Sinking Fund of such city having first, by resolution, consented thereto) to issue for either or both of said purposes the bonds of such water works corporation not to exceed in amount the sum of one million five hundred thousand ($1,500,000) dollars, in denominations of one thousand ($1,000) dollars each, to mature not exceeding forty years from date, bearing interest at a rate not to exceed 4 per cent per annum, payable semi-annually, such interest to be evidenced by coupons attached, said bonds to be signed by the president and secretary of said board, and said coupons to be evidenced by the engraved signature of the secretary, and to secure the said bonds, with the coupons so attached, by a mortgage upon the rights, privileges, franchises and property of said water works corporation. Said bonds, when so issued, shall be placed with and sold by the Commissioners of the Sinking Fund at a price not less than their face value and the proceeds applied by said Commissioners to the purpose for which the bonds were issued. It shall be the duty of the said Board of Water Works to provide, at any time any such bonds are issued, for a sinking fund which shall be sufficient to pay said interest coupons

and to retire the principal of said bonds at maturity, which sinking fund shall be deposited by said board with the Commissioners of the Sinking Fund of such city to be invested, managed, controlled and applied by said Commissioners for the payment of the interest and principle of the bonds so issued. The total bonded debt upon said property outstanding at any time shall not exceed one million five hundred thousand ($1,500,000) dollars."

§ 3. Inasmuch as it is necessary to make provision for the refunding of bonds in accordance with the provisions of this act, prior to ninety days after the adjournment of the General Assembly, an emergency exists and is hereby declared and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	John W. Holland,	W. F. Pitman,
J. O. Bogie,	Hite Huffaker,	G. H. Plitt,
O. Houston Brooks,	R. Dillard Hunter,	Marion F. Pogue,
Frank J. Brown,	W. T. Kenton,	A. H. Points,
L. H. Carter,	O. M. Kelsey,	J. F. Porter,
J. P. Chinn,	Wm. F. Klair,	W. Price,
Z. A. Clore,	J. H. Lackey,	L. R. Ray,
Z. T. Coleman,	Hugh Mahin,	Geo. W. Reid,
Peter J. Cosgrove,	J. H. McWaters,	G T Reynolds,

S. F. Crabtree,	Don G. McVean,	J. T. Riherd,
C. F. Crecelius,	Frank S. Moore,	S. C. Roberts,
W. B. Creekmore,	R. H. Moss,	Samuel L. Robertson,
H. C. Duffy,	H. J. Meyers,	H. A. Schoberth,
G. G. Frazier,	Ben E. Niles,	S. A. Shanklin,
Chas. W. Fulton,	W. H. Newell,	W. H. Shanks,
H. T. Gartin,	L. C. Owings,	Geo. C. Waggoner,
F. E. Graves,	J. W. Perry,	J. H. Williams,
L. B. Herrington,	W. V. Perry,	J. R. Zimmerman,
Samuel D. Hines,	John C. Pirtle,	—57

Those who voted in the negative were—

W. D. Allbright,	M. G. Colson,	S P. Parks,
T. M. Bertram,	Wm. S. Dean,	R. A. Read,
J. M. Blair,	L. H. Francies,	W. Logan Shearer,
J. T. Buford,	Robt. L. Harris,	W. F. Welch,
S. M. Carson,	H. L. Lewis,	—14

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 59. An act to appropriate fifty thousand dollars to complete the work on the grounds of the new State Capitol.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of Fifty Thousand Dollars or so much thereof as may be necessary is hereby appropriated out of the general revenue of the Commonwealth of Kentucky, to be expended

for the purpose of completing the work, of removing the rock quarry upon said grounds, and for the landscape, gardening, terracing, grading walks and approaches to the building.

§ 2. Said sum of money shall be set apart by the Auditor of Public Accounts and the Treasurer of the general revenue. Said sum or any part thereof shall be paid out by the Treasurer upon the order of the Board of Sinking Fund Commissioners when such order is signed by the Chairman and Secretary.

§ 3. The Board of Sinking Fund Commissioners shall come to be kept by its Secretary, a true and complete record of all money paid out by him, for what purpose and under whose order and direction; monthly statements shall be made to the Governor by the said Secretary and a full and complete report shall be made to the General Assembly, regular or extra session.

§ 4. The Commissioners will file with the Governor an itemized statement of their acts under this law and any money unexpended shall be covered to the general fund in the Treasury.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	G. H. Plitt,
W. D. Allbright,	Chas. W. Fulton,	A. H. Points,
J. W. Berkshire,	L. B. Herrington,	R. A. Read,
P. W. Berkshire,	Samuel D. Hines,	Geo. W. Reid,
T. M. Bertram,	John W. Holland,	G T Reynolds,
J. M. Blair,	Hite Huffaker,	J. F. Richardson,

Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
S. P. Parks,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
J. R. Zimmerman,
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Those who voted in the negative were—

R. C. Hill,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Enrolling Clerk of the House delivered to the Chief Clerk of the House the original and enrolled copy of a bill entitled,

H. B. 66. An act to amend an act entitled "An act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908.

The enrolled copy having been signed by the Speaker of the House of Representatives and the President of the Senate.

Ordered that the Chief Clerk deliver the enrolled copy of said bill to the Governor.

After a time the said Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 126. An act for the benefit of the three educational institutions, viz: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment and providing additional revenue for the maintenance of the said institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to provide additional income to meet the additional annual expenditures and make necessary additional improvements in the State University, Lexington, Kentucky, the additional sum of thirty thousand dollars is hereby appropriated for the current fiscal year, and for each succeeding year, for the benefit of said university, and the same is directed to be paid annually by the Treasurer of the State of Kentucky to the treasurer of the said university upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid. That said appropriation shall be expended annually under the supervision of the University Board of Trustees for the necessary maintenance of said univer-

sity, and also for the erection and maintenance of necessary buildings, and equipment of same, repairs or additions to old buildings, furnishings, improvement of grounds, and for any other purpose that in the opinion of said Board of Trustees will best promote the interest of said institution.

The said board shall, at each session of the General Assembly submit an itemized statement of the expenditures made under the provisions of this act.

§ 2. That in order to provide additional income to meet the additional annual expenditures, and make necessary additional improvement in Eastern Kentucky State Normal School, the additional sum of twenty-two thousand and five hundred dollars is hereby appropriated for the current fiscal year, and for each succeeding year for the benefit of the said Normal School, and the same is directed to be paid annually by the Treasurer of the State of Kentucky to the treasurer of said Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That said appropriation shall be expended annually under the supervision of the Normal School Board of Regents for necessary maintenance of said Normal School, and also for the erection and maintenance of necessary buildings and equipment of same, repairs or additions to old buildings, furnishings, improvements of grounds, or for any other purpose that in the opinion of said Board of Regents will best promote the interest of said institution.

The said Board of Regents shall at each session of the General Assembly submit an itemized statement of the expenditures made under the provisions of this act.

§ 3. That in order to provide additional income to meet the additional annual expenditures, and make necessary additional improvement in Western Kentucky State Normal School, the additional sum of twenty-two thousand and five hundred dollars is hereby appropriated for the current fiscal year, and for each succeeding year for the benefit of the said Normal School, and the same is directed to be paid annually by the Treasurer of the State of Kentucky to the treasurer of said Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

That said appropriation shall be expended annually under the supervision of the Normal School Board of Regents for necessary maintenance of said Normal School, and also for the erection and maintenance of necessary buildings and equipment of same, repairs or additions to old buildings, furnishings, improvements of grounds, or for any other purpose that in the opinion of said Board of Regents will best promote the interest of said institution.

The said Board of Regents shall at each session of the General Assembly submit an itemized statement of the expenditures made under the provisions of this act.

§ 4. Whereas, the appropriations herein made for the benefit of the said three State educational institutions are needed immediately for the maintenance and equipment of each to enable them to accommodate the students and to give proper instructions, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Mr. Klair moved that the session of to-day be extended until the bill under consideration be disposed of.

Said motion was agreed to.

Mr. Russell moved that the House resolve itself into the Committe on the whole House for the purpose of hearing arguments by Professors James K. Patterson and H. H. Cherry on said bill.

Said motion was agreed to.

The Speaker vacated the chair having designated Mr. Waggoner as Chairman of the Committee of the whole.

After a time the Speaker resumed the chair and called the House to order.

Mr. Waggoner of the Committee of the Whole reported that said committee considering said bill had heard arguments thereon by Professors J. K. Patterson and H. H. Cherry. That said committee had instructed him to report said bill back to the House for its further consideration.

The House proceeded with the further consideration of said bill.

Mr. Duffy offered the following amendment to said bill:

Amend by striking from Sections 1, 2, and 3 the following words,

Section 1. Line 1. "Annual."
Section 1. Lines 4 and 5. "And for each succeeding year."
Section 1. Line 6. "Annually."
Section 1. Line 10. "Annually."
Section 2. Lines 1 and 2. "Annual."
Section 2. Line 5. "And for each succeeding year."
Section 2. Line 6. "Annually."
Section 2. Line 11. "Annually."
Section 3. Line 1. "Annual."

Section 3. Line 5. "And for each succeeding year."
Section 3. Line 6. "Annually."
Section 3. Line 10. "Annually."
Said amendment was disagreed to.

Mr. Akin offered the following amendment to said bill:

Amend Section 1 by striking from said section the words "thirty thousand dollars" and inserting in lieu thereof the words "five thousand dollars."

Amend Section 2 by striking from said section the words "twenty-two thousand and five hundred dollars" and inserting in lieu thereof the words "five thousand dollars."

Amend Section 3 by striking from said section the words "twenty-two thousand dollars" and inserting in lieu thereof the words "five thousand dollars."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs Porter and Taylor were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
O. Houston Brooks,
W. G. Caudill,
Henry Chunn,
Z. A. Clore,
Z. T. Coleman,
Albert J. Counts,
S. F. Crabtree,
W. L. Craig,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
Hite Huffaker,
Frank S. Moore,
R. H. Moss,
Ben E. Niles,
L. C. Owings,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
J. F. Porter,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
S. M. Russell,
S. A. Shanklin,
J. J. Taylor,
W. F. Welch,
J. H. Williams,
J. R. Zimmerman,

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Those who voted in the negative were—

T. M. Bertram,	Samuel D. Hines,	G. H. Plitt,
J. M. Blair,	John W. Holland,	A. H. Points,
Frank J. Brown,	R. Dillard Hunter,	Farris Roberts, Jr.,
J. T. Buford,	W. G. Keen,	Samuel L. Robertson,
J. P. Chinn,	O. M. Kelsey,	H. A. Schoberth,
Sidney G. Clay,	Wm. F. Klair,	W. H. Shanks,
J. R. Claypool,	J. H. Lackey,	W. Logan Shearer,
M. G. Colson,	H. L. Lewis,	J. W. Turner,
Peter J. Cosgrove,	J. H. McWaters,	Geo. C. Waggoner,
C. F. Crecelius,	Don G. McVean,	Edward A. Weber,
F. E. Graves,	H. J. Meyers,	W. R. Whitlow,
Robt. L. Harris,	W. H. Newell,	L. F. Withers,
L. B. Herrington,	S. P. Parks,	—38

Mr. Taylor offered the following amendment to said bill:

Amend by striking from said Sections one, two and three the following words:

Section 1, lines 14 and 15. "And for any other purpose that in the opinion of the said Board of Trustees will best promote the interest of said institution."

Section 2, lines 15 and 16. "Or for any other purpose that in the opinion of said Board of Regents will best promote the interest of said institution."

Section 3, lines 14, 15, and 16. "Or for any other purpose that in the opinion of said Board of Regents will best promote the interest of said institution."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with it was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

T. M. Bertram,	Robt. L. Harris,	H. T. Rich,
J. M. Blair,	L. B. Herrington,	Farris Roberts, Jr.,
J. O. Bogie,	Samuel D. Hines,	Samuel L. Robertson,
O. Houston Brooks,	W. G. Keen,	H. A. Schoberth,
Frank J. Brown,	J. H. Lackey,	W. H. Shanks,
J. T. Buford,	H. L. Lewis,	W. Logan Shearer,
J. P. Chinn,	J. H. McWaters,	J. W. Turner,
Sidney G. Clay,	Don G. McVean,	Geo. C. Waggoner,
J. R. Claypool,	H. J. Meyers,	Edward A. Weber,
M. G. Colson,	W. H. Newell,	W. F. Welch,
Peter J. Cosgrove,	S. P. Parks,	W. R. Whitlow,
C. F. Crecelius,	G. H. Plitt,	J. R. Zimmerman,
W. B. Creekmore,	A. H. Points,	—38

Those who voted in the negative were—

R. H. Akin,	H. T. Gartin,	W. F. Pitman,
J. W. Berkshire,	F. E. Graves,	J. F. Porter,
P. W. Berkshire,	John W. Holland,	L. R. Ray,
L. H. Carter,	R. Dillard Hunter,	R. A. Read,
W. G. Caudill,	W. T. Kenton,	Geo. W. Reid,
Henry Chunn,	O. M. Kelsey,	G. T. Reynolds,
Z. A. Clore,	Wm. F. Klair,	J. F. Richardson,
Z. T. Coleman,	Frank S. Moore,	J. T. Riherd,
Albert J. Counts,	R. H. Moss,	S. C. Roberts,
S. F. Crabtree,	Ben E. Niles,	S. M. Russell,
W. L. Craig,	L. C. Owings,	S. A. Shanklin,
H. C. Duffy,	C. C. Patrick,	J. J. Taylor,
G. G. Frazier,	W. V. Perry,	J. H. Williams,
Chas. W. Fulton,	John C. Pirtle,	L. F. Withers, —42

And so said bill was disagreed to.

At 2:25 o'clock P. M. the House adjourned until 3:30 o'clock P. M. this afternoon.

AFTERNOON SESSION.

At 3:30 o'clock p. m. the House met pursuant to adjournment.

Mr. Geo. W. Read moved to reconsider the vote by which the House disagreed to a bill entitled,

S. B. 126. An act for the benefit of the three educational institutions, viz: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment and providing additional revenue for the maintenance of said institutions.

And moved that said motion lie on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Klair and Robertson were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	W. F. Pitman,
W. D. Allbright,	Chas. W. Fulton,	A. H. Points,
J. W. Berkshire,	H. T. Gartin,	J. F. Porter,
P. W. Berkshire,	Hite Huffaker,	L. R. Ray,
J. O. Bogie,	R. Dillard Hunter,	R. A. Read,
O. Houston Brooks,	W. T. Kenton,	Geo. W. Reid,
S. M. Carson,	O. M. Kelsey,	G. T. Reynolds,
L. H. Carter,	J. H. Lackey,	H. T. Rich,
W. G. Caudill,	J. H. McWaters,	J. F. Richardson,
J. P. Chinn,	Frank S. Moore,	J. T. Riherd,

Henry Chunn,	R. H. Moss,	S. C. Roberts,
Z. A. Clore,	Ben E. Niles,	S. M. Russell,
Z. T. Coleman,	L. C. Owings,	S. A. Shanklin,
Albert J. Counts,	C. C. Patrick,	J. J. Taylor,
S. F. Crabtree,	W. V. Perry,	E. E. Trivette,
W. L. Craig,	John C. Pirtle,	J. H. Williams,
H. C. Duffy,		

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Those who voted in the negative were—

Frank J. Brown,	W. G. Keen,	H. A. Schoberth,
J. T. Buford,	Wm. F. Klair,	W. H. Shanks,
Sidney G. Clay,	H. L. Lewis,	W. Logan Shearer,
J. R. Claypool,	H. J. Meyers,	J. W. Turner,
M. G. Colson,	W. H. Newell,	Geo. C. Waggoner,
Peter J. Cosgrove,	S. P. Parks,	Edward A. Weber,
C. F. Crecelius,	J. W. Perry,	W. F. Welch,
F. E. Graves,	G. H. Plitt,	W. R. Whitlow,
Robt. L. Harris,	Marion F. Pogue,	L. F. Withers,
L. B. Herrington,	Samuel L. Robertson,	J. R. Zimmerman,
Samuel D. Hines,		

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A message was received from the Senate announcing that they had passed a bill of the following title,

H. B. 231. An act to revise and amend an act entitled "An act to amend Sections one hundred and twenty-four and one hundred and twenty-five of an act entitled 'An act for the government of Cities of the First Class"' approved July 1, 1893, approved March 21, 1902, Section 1 of said act being Sections 2909 and 2910 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1903.

Mr. Klair moved that this afternoon session be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill as follows, viz:

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 107. An act to amend Section 1847, Kentucky Statutes edition 1909 and to provide for temporary filling the office of County Commissioner.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section eighteen hundred and forty-seven (1847) Kentucky Statute 1909, be and the same is hereby amended by striking out the words "three commissioners" wherever said words occur in said section and by inserting in lieu thereof the words "four commissioners," also by adding after the words "one for each district" the words "and one from the county at large regardless of districts," so that when said section is so amended it will read as follows:

§ 1847. Commissioners may constitute Fiscal Court-election and term of office. But any county in the Commonwealth of Kentucky so desiring it may have four commsisioners, to be elected from the county at large, who, together with the judge of the County Court, shall constitute the Fiscal Court of said county, to ascertain whether a county desires a Fiscal Court composed of four commissioners and a county judge. The county judge of said county (upon application by written petition signed by three hundred and fifty of the legal voters of said county) is hereby authorized, empowered

and directed to submit to the qualified voters of the county, at the next general election thereafter to be held for county officers in accordance in all respects, with the provisions governing general elections prescribed by law, the question "whether the Fiscal Court of the county shall be composed of four commissioners to be elected from the county at large and the judge of the County Court."

It is hereby made the duty of the county judge, after receiving said petition, to make an order on his order-book, directing the officers of the election in all the voting precincts in the county to open a poll to take the sense of the legal voters in the county upon the question above set forth, and to see that the officers of the election at the respective voting precincts in the county are furnished with poll books at said election for the purposes thereof. The clerk of the County Court shall furnish the sheriff of said county with a copy of the order made by the judge of said County Court on the order book, and the sheriff shall cause the same to be published in all the county papers not less than four weeks previous to the election, and also to advertise the same by printed hand-bills posted not less than two weeks before said election in a conspicuous place in each of the voting precincts in said county. In counties wherein no newspapers are published the hand-bills shall be sufficient notice of the election: the voting to be by ballot, each ballot to have printed thereon the question, "Are you on favor of the Fiscal Court of the county being composed of four commissioners to be elected from the county at large, and the judge of the County Court?" Said election shall be conducted, the returns thereof made, and the results thereof ascertained and determined in accordance with the provisions of the law governing general elections. The county judge shall determine the sufficiency of the petition presented from the poll book of the last previous general election. If a majority of the legal votes cast at said election are in favor of the Fiscal Court of said county being composed offour commissioners to be elected

from the county at large, and the judge of the County Court, it shall be the duty of the county judge, before the next general election for county officers, to divide the county into three districts as nearly equal in population as possible; and at said election there shall be elected in said county by the qualified voters thereof, and every, four years thereafter, four commissioners, one from each district and one from the county at large regardless of disticts who, with judge of the County Court, shall constitute the Fiscal Court of the county until otherwise changed by law. The election provided for herein shall not be held in any county in this Commonwealth oftener than once in every eight years.

§ 2. One of said four commissioners shall be elected from the county at large, without regard to districts.

§ Section 3. In any county which has voted in favor of and is now governed by a board of three commissioners, it shall be the duty of the presiding judge of the County Court of such county, to appoint some person resident in such county possessing all the qualifications of a member of the board of commissioners to fill the vacancy in such board, which is hereby declared to exist, said appointee to hold until his successor is duly elected and qualifield. Thereafter, four commissioners shall be elected at the time fixed by law for the election of such commissioners, three of whom shall be residents of the respective districts and one from the county at large, regardless of districts.

§ 4. By reason of the fact that the board of commissioners is now composed of four members, the result of which has been a tie vote upon many important questions of public business, and such tie vote has resulted in delays to the public business, an emergency is declared to exist and this act shall take effect and be in force from and after its passage.

Mr. Meyers offered an amendment to said bill by way of substitute therefor.

Said substitute is as follows, viz:

An act to amend Section one thousand eight hundred and fifty, Kentucky Statutes; edition of 1909.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section One Thousand Eight Hundred and Fifty (1850) Kentucky Statutes, edition of 1909, be and the same is hereby amended by adding at the conclusion of said section the following words and figures, to-wit:

"And whenever there shall be a tie vote in said Board of Commissioners upon the question of the election of any officer or employe to be elected or employed by said Commissioners, and a deadlock shall result and said tie vote or deadlock shall continue for a period of not less than fifteen (15) days, it shall thereupon be and become the duty of the county judge to cause to be entered upon the minutes of the Board of Commissioners, an order reciting the facts as to said deadlock or tie vote, and the question upon which the same has occurred and exists, and thereupon unless an election is immediately had by said board, it shall be and become the duty of the county judge to appoint such officer or employe, and such appointee shall have all the qualifications required by law of such officer or employe, and shall hold his office for the full term provided by law, and until his successor is elected and qualified."

Said section when so amended will read as follows:

§ 1805. Laws Applicable to Commissioners—vacancy, how filled. All the provisions of this article governing Fiscal Courts com-

posed of the judge of the County Court and justices of the peace shall be applicable to and govern Fiscal Courts, composed of three commissioners and the judge of the County Court, except that when the county judge is unable to call a special session, and it is necessary that one be called, then two commissioners may call the same, if, in their opinion, the necessity exists therefor. Any vacancy occurring in the office of commissioner shall be filled in the same manner as vacancies in the office of justices of the peace are filled. And whenever there shall be a tie vote in said Board of Commissioners upon the question of the election of any officer or employe to be elected or employed by said Commissioners, and a deadlock shall result and said tie vote or deadlock shall continue for a period of not less than fifteen (15) days, it shall thereupon be and become the duty of the county judge to cause to be entered upon the minutes of the Board of Commissioners, an order reciting the facts as to said deadlock or tie vote, and the question upon which the same has occurred and exists, and thereupon unless an election is immediately had by said board, it shall be and become the duty of the county judge to appoint such officer or employe and such appointee shall have all the qualifications required by law of such officer or employe, and shall hold his office for the full term provided by law, and until his successor is elected and qualified.

§ 2. Inasmuch as the Board of Commissioners consists of four members and tied votes and deadlocks have resulted and will continue to result, an emergency is hereby declared to exist and this act shall take effect from and after its approval by the Governor.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
F. E. Graves,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
H. L. Lewis,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
John S. Steers,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Those who voted in the negative were—

H. A. Schoberth,

Resolved that the title thereof be as follows, viz:

An act to amend Section 1850, Kentucky Statutes, edition of 1909.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 243. An act to amend Section 606 of Carroll's 1906 revised edition of the Kentucky Code of Practice.

Together with the substitute heretofore proposed to said bill by the Committee on Codes of Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 606, of Carroll's 1906, Revised Edition of the Kentucky Civil Code of Practice, be amended by adding thereto the following words: "And except further, that in suits for divorce where there is alleged for cause, either the cruel and inhuman manner of behavior toward the wife as indicates a settled aversion to her, or such cruel treating or injury, or attempt to injury, as indicates an outrageous temper in him or probable danger to life, the wife may testify as to such cause or causes only, whereupon to the husband shall be allowed the right to testify in defense thereto, but only as to matter of such cause or causes."

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 1, of Section 606, of the Civil Code of Practice be stricken out and that there be substituted therefor the following words, to-wit: Neither a husband nor his wife shall testify while the marriage exists or afterward concerning any communication between them during marriage; nor shall either of them testify against the other, except:

(a) In actions for divorce, maintenance or alimony, each may testify against the other.

(b) In actions against a common carrier, an innkeeper or a wrongdoer, for baggage or its value, both may testify.

(c) In actions which might have been brought by or against the wife, if she had been unmarried either may testify.

(d) When the husband or wife has acted or is acting as agent for the other, either of them may testify as to any matter connected with such agency.

So that Section 606, of the Civil Code of Practice as amended and re-enacted shall read as follows:

Neither a husband nor his wife shall testify while the marriage exists or afterward concerning any communication between them during marriage; nor shall either of them testify against the other, except:

(a) In actions for divorce, maintenance or alimony, each may testify against the other.

(b) In actions against a common carrier, an innkeeper or a wrongdoer, for baggage or its value, both may testify.

(c) In actions which might have been brought by or against the wife, if she had been unmarried either may testify.

(d) When the husband or wife has acted or is acting as agent for the other, either of them may testify as to any matter connected with such agency.

§ 2. Subject to the provisions of Subsection 7, of this section, no person shall testify for himself concerning any verbal statement or, any transaction with, or any act done or omitted to be done by, an infant under fourteen years of age, or by one who is of unsound mind or dead when the testimony is offered to be given, except for the purpose, and to the extent, or affecting one who is living, and who when over fourteen years of age, and of sound mind heard such statements or was present when such transaction took place, or when such act was done or omitted, unless:

(a) The infant or his guardian shall have testified against such person, with reference to such statement, transaction or act; or,

(b) The person of unsound mind shall, when of unsound mind, have testified against such person, with reference thereto; or,

(c) The decedent, or a representative of, or some one interested in, his estate, shall have testified against such person, with reference thereto; or,

(d) An agent of the decedent or person of unsound mind, with reference to such act or transaction, shall have testified against such person, with reference thereto, or be living when such person offers to testify, with reference thereto.

§ 3. No person shall testify for himself, in chief, in an ordinary action, after introducing other testimony for himself, in chief; nor in an equitable action, after taking other testimony for himself, in chief.

§ 4. No attorney shall testify concerning a communication made to him, in his professional character, by his client, or his advice thereon, without the client's consent; nor shall a clergyman or priest testify concerning any confession made to him, in his professional character, in the course of discipline enjoined by the church to which he belongs, without the consent of the person confessing.

§5. If the right of a person to testify for himself be founded upon the fact that one who is dead or of unsound mind has testified against him, the testimony of such person shall be confined to the facts or transactions to which the adverse testimony related.

§ 6. A person may testify for himself as to the correctness of original entries made by him against persons who are under no disability—other than infancy—in an accounting, according to the usual course of business, though the person against whom they were made may have died or have become of unsound mind; but no person shall testify for himself concerning entries in a book, or the contents or purport of any writing, under the control of himself, or of himself and others jointly, if he refuse or fail to produce such book or writing, and make it subject to the order of the court for the purposes of the action, if required to do so by the party against whom he offers to testify.

§ 7. The assignment of a claim by a person who is incompetent to testify for himself shall not make him competent to testify for another.

§ 8. A party may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebut it by counter testimony.

§ 9. None of the preceding provisions of this section apply to affidavits for professional remedies, or to affidavits of claimants against estates of deceased or insolvent persons, or affect the competency of attesting witnesses of instruments which are required by law to be attested.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	A. H. Points,
W. D. Allbright,	Robt. L. Harris,	J. F. Porter,
J. W. Berkshire,	Samuel D. Hines,	L. R. Ray,
P. W. Berkshire,	John W. Holland,	Geo. W. Reid,
T. M. Bertram,	Hite Huffaker,	G. T. Reynolds,
J. O. Bogie,	R. Dillard Hunter,	J. F. Richardson,
O. Houston Brooks,	W. G. Keen,	J. T. Riherd,
Frank J. Brown,	W. T. Kenton,	S. C. Roberts,
J. T. Buford,	O. M. Kelsey,	Samuel L. Robertson,
S. M. Carson,	Wm. F. Klair,	S. M. Russell,
L. H Carter,	J. H. Lackey,	H. A. Schoberth,

W. C. Caudill,	H. L. Lewis,	S. A. Shanklin,
J. P. Chinn,	Hugh Mahin,	W. Logan Shearer,
Henry Chunn,	J. H. McWaters,	John S. Steers,
J. R. Claypool,	Don G. McVean,	J. J. Taylor,
Z. A. Clore,	H. J. Meyers,	E. E. Trivette,
M. G. Colson,	W. H. Newell,	J. W. Turner,
Albert J. Counts,	L. C. Owings,	Geo. C. Waggoner,
Peter J. Cosgrove,	S. P. Parks,	Edward A. Weber,
S. F. Crabtree,	J. W. Perry,	W. F. Welch,
W. L. Craig,	W. V. Perry,	W. R. Whitlow,
C. F. Crecelius,	John C. Pirtle,	J. H. Williams,
G. G. Frazier,	W. F. Pitman,	L. F. Withers,
Chas. W. Fulton,	G. H. Plitt,	J. R. Zimmerman,
H. T. Gartin,	Marion F. Pogue,	—74

Those who voted in the negative were—

H. C. Duffy,	Frank S. Moore,

Resolved that the title thereof be as follows, viz:

An act to amend Section 606 of the Civil Code of Practice.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 129. An act to amend the school laws and to create Boards of Education and to define their duties in cities of the First Class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every city in this State of the First Class shall be and constitute a single school district, and the supervision and government

of common schools, kindergartens, high schools, manual training schools and normal schools and all such school property therein shall be vested in a board of five members to be known as the "Board of Education of , Kentucky" (in which title the name of such city shall be inserted). Such Board of Education shall be a body corporate and shall, be and in said name, sue and be sued, purchase, receive, hold and sell property, do all things necessary to accomplish the puprose for which such school district is organized, and succeed to all the property, rights and privileges granted to and belonging to any previous School Board of such city: Provided, that be paid by the State in same manner and upon similar certification as is all pending suits in which any such previous School Board is a party, may be prosecuted to an end in the name of such party.

§ 2. Every such Board of Education shall have exclusive control of the common schools, including kindergartens, high schools, manual training schools and normal schools as hereinafter provided, and of common school property in such city; shall exercise generally all powers in the administration of the common school system therein, appoint such officers, agents and employes as it may deem necessary and proper and fix their compensation; and shall have power to fix the time of its meetings, to make, amend and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the common schools and school property in such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-laws shall be binding on such Board of Education and all parties dealing with it until formally repealed by an affirmative vote of four members of said Board. To provide for special and standing committees, and to certify to the General Council the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and

personal, necessary for the purposes of public education, to build and construct improvements for such purposes, and to hold or sell the same.

§ 3. It shall also have power, when unable to contract with the owner of any real estate necessary to the proper accomplishment of the purpose for which said Board is created, to institute condemnation proceedings in accordance with the law governing railroad corporations incorporated under the laws of this Commonwealth; and to have in such proceedings the same rights, powers, privileges and restrictions as are now granted to or conferred upon such railroad corporations. Such Board of Education shall have all the powers of other school districts under the laws of this State, except as herein provided.

§ 4. No person shall be eligible to the office of member of the Board of Education, who has not attained the age of thirty years and one who is not a housekeeper or is not the owner of real estate in said city, and who is not a citizen of and bona fide resident of this Commonwealth and of the city for which he is elected, for three years next preceding the election; or who holds or discharges any office, deputyship or agency under the city, or any district or county, or under the State of Kentucky, or any department thereof, or under the United States or any foreign government, except that of notary public or militia officer of Kentucky. No person shall be eligible to this office who, at the time of his election, is directly or indirectly interested in any contract with the Board, or who holds any office of trust or agency of or draws a salary from any corporation which holds any contract with the Board, or whose father, son, brother, wife, daughter or sister is employed as teacher, or in any other capacity by such Board, or in any of the public schools, or who is, directly or indirectly, interested in the sale to the Board of books, stationery or other property. If he shall, after election, become a

candidate for any office or agency or for the nomination thereto, the holding and discharging of which would have rendered him ineligible before election, or if he shall remove out of the city for which he was chosen, or if he shall do or incur anything which would have rendered him ineligible for election, or if any of his relatives above specified be employed by the Board, his office shall, without further action, be vacant and it shall be filled as directed.

§ 5. No compensation shall be paid to the members of the Board, but they shall be exempt from jury duty and from service as election officers during their term of office.

§ 6. The members of said Board of Education shall be elected, except as specified in Section 7 of this act, for the term of four years by the qualified voters of such city. They shall be elected from the city at large, and such election shall be held under the provisions of the general laws governing city elections, so far as they are not inconsistent with the provisions of this act.

§ 7. All elections for members of the Board of Education shall be by secret ballot, and the ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the County Clerk of any county, in which a city of the First Class is situated, to cause to be printed on said ballot the names of all candidates for membership of the Board of Education of such city, in whose behalf he may be petitioned so to do in writing by not less than four hundred electors of said city. The petitions must be filed in the office of the County Clerk not more than sixty days nor less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons, and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled. If the nomination is to fill a vacancy, the petition shall so state. Where the same person shall be nominated for a full term to fill a vacancy, he shall be accepted as a candidate for the full term.

Said ballot shall be in the form prescribed for ballots by the general election law of the State, except that no party or other emblem or distinguishing mark shall be placed upon said ballot, save the words, "School Ticket" at the head thereof; and that the names of all candidates for membership in the Board of Education shall be printed on said ballot in a single column. The names shall be printed on the first one hundred ballots as arranged in order by lot. On each of the succeeding one hundred ballots the names shall be printed in the same order, save that the last name on the preceding one hundred ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the printed order of names for every one hundred ballots. As many additional lines shall be left blank as there are members to be elected.

The provisions of the general election law of the State of Kentucky as to the duties of County Clerks and other public officers in the matter of printing and distributing ballots, of the issuing them to voters, of receiving and depositing them in the ballot boxes, and of counting and preserving them, and in all other particulars except as otherwise provided herein, shall be applicable in all respects to the election of members of the Board of Education: Provided, that it shall be the duty of the Sheriff of each county in which a city of the First Class is situated, to provide for each precinct in said city a separate box for the reception of the ballots used in the election of members of the Board of Education. And, Provided, further, that it shall be the duty of the judge of election of the opposite political party to the clerk of the election in each precinct to issue the school ballots in the same manner as other ballots are issued by the clerk of election by writing the name and the residence of the voter upon the primary stub, and his registered number upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful

for an election officer or other person within the election booth to tell or to indicate by word of mouth or otherwise to a voter what may be the political affiliations of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars.

§ 8. Each voter may vote for as many of said candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall, in all cases, be designated on the ballots as candidates to fill a vacancy, and the date of the unexpired term shall be stated.

§ 9. At the general election occurring in the month of November, 1910, five members of the Board of Education shall be elected as herein provided. After having qualified by taking oath prescribed by law, they shall assume office on the first day of January, 1911, and shall meet at the offices of the present School Board of said city at twelve o'clock noon, and shall proceed to organize by electing one of their number President, and another Vice-President. Within one week after the organization of said Board it shall meet to divide its members by lot in such manner as they shall determine into two classes, as follows: The first class consisting of two members shall hold office through the 31st day of December, 1912, the second class consisting of three members shall hold office through the 31st day of December, 1914. Thereafter at each regular election held in November of each even-numbered year, members shall be elected as hereinbefore provided, to take the place of those whose terms will next expire, and the members so chosen shall hold office for four years, or until their successors are elected and qualified.

§ 10. At its first regular meeting after the 1st day of January, in each year following its original organization, said Board of Education shall reorganize by electing one of its members President, and another Vice-President.

§ 11. Any vacancy in said Board, from whatever cause occurring, shall be temporarily filled by the other members of the Board as soon as practicable after such vacancy occurs. The member so chosen shall hold office until his successor is elected and qualified, subject to the provisions of Section 152 of the Constitution of Kentucky.

§ 12. When members of the Board of Education shall have been elected, shall have qualified, and shall have organized as hereinbefore provided, thereupon it shall become the duty of the existing School Board and all officers, agents and employes thereof to surrender their places and to deliver to said Board of Education all the common school property, both real and personal, of every kind whatsoever, and the control and management of the common school affairs of such city: Provided, that until such Board of Education shall be organized, the administration of the common schools and the management of school property in such city shall remain in the control of the existing School Board in the same manner and with the same powers as existed prior to the passage of this act.

All rules and by-laws made by any existing School Board at such time vested in such city with the maangement of the common schools shall continue in force, so far as consistent with this act, until repealed or altered by a majority of such Board of Education.

Provided, further, that the first Board of Education may continue the employment and service of any existing officers, teachers, agents or other employes, in their several capacities in connection with the administration of school affairs, until such time as they

effect the change of administrative system applicable to the common schools as contemplated in this act; and said Board of Education may thereafter retain or remove any agents, teachers, janitors, engineers or other employes then rendering service in connection with the public schools of said city.

§ 13. It shall be the duty of said Board of Education, within sixty days after its organization, to adopt rules and by-laws for its meetings and proceedings, and for the government, regulation and management of the schools and school property, and for the examination, qualification and employment of teachers. And such rules or by-laws may be changed, altered, or set aside, only upon affirmative vote of four (4) members of the Board.

§ 14. It shall be the duty of said Board of Education, as soon as practicable after its organization, to appoint a Superintendent of Schools, a Business Director, a Secretary and Treasurer, and such other officers, employes and agents as it may deem proper: Provided, that no such officer, employe or agent shall be a member of said Board.

§ 15. The Board of Education shall appoint a Superintendent of Schools who shall serve for a term of one year, but whenever a Superintendent who shall have served one year shall be re-elected, his re-election shall be for a term of four years. His compensation shall not be changed during the term for which he is elected. He may be removed at any time by a vote of three-fifths of the entire Board. The Board of Education may, on the nomination of the Superintendent of Schools, appoint as many Assistant Superintendents as it may deem necessary, whose compensation shall be fixed by the Board, and who may be removed by the Superintendent with the approval of the Board. The Superintendent of Schools shall qualify by taking the oath prescribed by law. He shall have gen-

eral supervision, subject to the control of the Board, of the course of instruction, discipline and conduct of the schools, text-books and studies; and all appointments, promotions and transfers of teachers and truant officers, and introduction and changes of text-books and apparatus, shall be made only upon the recommendation of the Superintendent and the approval of the Board. The Superintendent shall have the power to suspend any teacher or truant officer for cause deemed by him sufficient, and the Board of Education shall take such action upon the restoration or removal of such person as it may deem proper. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointments, by examination, and in cases of promotion, by length and character of service. Examination for appointment shall be conducted by the Superintendent in accordance with the State law for the certification of teachers and under such other regulations as may be made by the Board. The Superintendent of Schools shall devote himself exclusively to the duties of his office, and shall have power to appoint clerks, whose number and salaries shall be fixed by the Board, and shall have power to remove the same; shall exercise a general supervision over the schools of the city, examine their condition and progress and shall keep himself informed as to the progress of education in other cities. He shall advise himself of the need of extension of the School System of the city, shall make reports from time to time as may be fixed by the rules or directed by the Board, and shall be responsible to the Board for the condition of the instruction and discipline of the schools.

The term "teachers," as used herein, shall include supervisors, supervising principals and principals.

§ 16. The Board shall appoint a Business Director, who shall serve for a term of one year, but whenever a Business Director who

shall have served one year shall be re-elected, his re-election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. His compensation shall not be changed during the term for which he is elected. The Business Director shall qualify by taking the prescribed oath, and shall be the executive officer of the Board. He shall execute for the Board in the name of the Board its contracts and obligations; he shall see that all contracts made by or with said Board are fully and faithfully performed; he shall have the care and custody of all property of the Board of Education, real and personal, except moneys; he shall oversee the construction of buildings in process of erection and repairs of buildings owned or controlled by the Board; shall advertise for bids, and shall purchase all supplies and equipments authorized by the Board; and, generally, shall execute and carry into effect all matters and things authority for which shall have been granted by the Board, as herein provided.

§ 17. The Business Director shall devote his entire time to the duties of his office, and shall receive an annual salary to be fixed by the Board at the beginning of each term, and payable monthly out of the School Fund of the city. Before entering upon the discharge of the duties of his office he shall give a bond for the faithful performance thereof in the sum of ten thousand dollars, with a surety company, to be approved by the Board, which bond shall be paid for by the Board and be deposited with the Secretary and Treasurer within twenty days from date of election, and preserved by him.

§ 18. Subject to the approval of the Board of Education as to the number and salaries, the Business Director shall have power to appoint, with the approval of the Board of Education, as many engineers, janitors and other employes and agents as may be necessary for the proper performance of the duties of his department,

for whom he shall be responsible, and whom he shall have power to remove; but the Board of Education may provide for a competitive examination for the position of janitors and engineers; and when such provision shall have been made, the Business Director shall be required by the Board to appoint janitors and engineers from the list obtained by such examination. He shall appoint such assistants and deputies as may be authorized by the Board, whose compensation shall be fixed by the Board; and one of said assistants shall be a trained and educated mechanical engineer, qualified to design the heating, ventilating and sanitary machinery and apparatus connected with the school buildings. Such assistants and deputies shall be subject to removal by the Business Director who shall be responsible for the proper performance of their duties. He shall perform such other duties as may be required of him by the Board.

§ 19. All contracts for the erection of school buildings and all contracts for repairs and alteration in school property, exceeding the amount of fifty dollars, shall be made by the Board after public letting to the lowest responsible bidder, but it may reject all bids. The necessary specifications and drawings shall be prepared for all such work, and bids therefor shall be solicited by such advertisement as the Board may provide. All other work of construction and repairs shall be made directly by the Business Director, as herein provided. For all work of construction and repairs authorized to be done directly by the Business Director he shall furnish the necessary specifications and drawings, except in cases of emergency, and where the cost shall not exceed the sum of two hundred dollars, and shall solicit bids for such work as may be provided for by the Board. No bids shall be entertained by the Business Director which are not made in accordance with the specifications furnished by him, and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting: Provided, however, that the said Business Director shall have the right to reject any and all bids.

§ 20. The Board shall, at or prior to the beginning of each fiscal year, cause advertisements to be made under such regulations as it may provide for proposals for furnishing the supplies required in the schools and by the Board in the ensuing year; and every contract therefor shall be awarded to the lowest responsible bidder complying with the terms of the letting: Provided, however, that said Board shall have and reserve the right to reject all bids. If other supplies are required during the year, they shall be furnished under contracts awarded in like manner; but the Board may authorize the purchase of supplies not exceeding fifty dollars in amount without letting or contract. The Board shall make distribution of supplies through such agencies and in such manner as it deems proper.

§ 21. The Board shall appoint an officer, who shall be Secretary and Treasurer, and shall serve for a term of one year, but whenever a Secretary and Treasurer shall have served one year and be re-elected, his election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. He shall give bond in such sum as the Board may require, which shall not be less than $50,000.00, with a surety company to be approved by the Board, such bond to be paid by the Board and be deposited with the President of the Board within twenty days from date of election and preserved by him. The compensation of such officer shall be fixed by the Board of Education before his election, and shall not be changed during the term for which he is elected. He shall exercise, subject to the control of the Board, general supervision over the fiscal affairs of the public schools of the city, the collection and payment of funds to the school depositaries, and the disbursement of all revenues and moneys belonging to the Board. He shall record the proceedings of the Board in such manner as may be directed by the Board, and shall deposit daily in the designated depositary of the Board all moneys collected or received by him for

the Board. He shall furnish to the Board at the beginning of each month a statement of receipts and disbursements of the preceding month; and at the end of the fiscal year he shall make to the Board a full and comprehensive report of its financial affairs for the preceding year. He shall be the custodian of all securities, documents, title papers, books of record and other papers belonging to the Board, under such conditions as the Board may direct. It shall be his duty to see that no liability is incurred or expenditure made without due authority of law, that appropriations are not overdrawn and that all expenditures are charged to the appropriations for which they are made. Subject to the approval of the Board, he shall have power to appoint assistants, for whom he shall be responsible and whom he may remove. He shall perform such other duties as may be required of him by the Board.

§ 22. The Board shall, in the month of June of each year, advertise for bids from the banks and trust companies in such city for the current deposits of such Board, to be secured by bond with surety to be approved by the Board in an amount to be fixed by the Board, and said bids shall specify the rate of interest to be allowed to said Board on such deposits and the nature of the security offered; and such deposits shall be annually awarded to the two institutions, banks or trust companies that offer, with the required security, the highest rates of interest therefor; and the Board shall cause contracts for the ensuing year to be made with such banks or trust companies so receiving the award of such deposits. All moneys due the Board, from any source whatsoever, shall be paid to the Secretary and Treasurer, who shall thereupon cause all funds received to be paid into such designated depositaries, the balances in each to be kept as nearly equal as practicable. The fiscal year of the Board shall end on the 30th day of June of each year, and the annual contract shall be made in the month of June of each year for the deposits of the succeeding fiscal year.

The funds of the Board deposited in bank shall be withdrawn only on the order of the Board, evidenced by the check of its Secretary and Treasurer, countersigned by the President of the Board, or, in his absence or disability by the Vice-President.

§ 23. It shall be the duty of the Board at the beginning of each fiscal year to apportion the revenues available for that year to the different departments, for expenditure in support of the schools for that year, and no report or resolution shall be adopted by the Board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is accompanied by the certificate of the Secretary and Treasurer showing sufficient balance in such fund available for such expenditure.

§ 24. The Board shall have power to borrow money on the credit of the Board in anticipation of the revenue from schol taxes for the fiscal year in which the same is borrowed and to pledge said school taxes for the payment of the princpial and interest of said loan: Provided, that the interest paid shall in no case exceed six per cent per annum and the principal shall in no case exceed fifty per cent of the anticipated revenue.

§ 25. To raise money for the maintenance of the schools the General Council shall annually cause to be levied and collected a tax of not less than thirty-six cents (.36) on each one hundred ($100.00) dollars of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation, the amount levied as above shall annually be passed to the credit of the school fund, upon the books of the city, and the said amount, as collected, shall be paid over to the Board by the Treasurer of the city, in regular monthly installments, the first payment to be made within one week after the collection of said amount shall have been commenced and the other payments to be made weekly thereafter in current money by the said Treasurer as collected.

§ 26. For the maintenance of the schools there shall be appropriated the sum or sums which may be received from year to year as the city's portion of the school fund of this Commonwealth.

§ 27. So much real or mixed property in the city, which from alienage, defect of heirs, failure of kindred or other causes, shall escheat to the Commonwealth of Kentucky shall vest in the Board for the use and benefit of the common schools. Said Board may, in the name of the Commonwealth, for the use and benefit of the common schools of the city, by its President or other officer to be designated by it, enter upon and take possession of said property or sue for and recover the same by an action at law or in equity, and without office found. The Board may sell and convey any of such property by warranty, deed or otherwise.

§ 28. All officers of any city of the first class, and of the State, concerned with the assessment and collection of taxes, fines and penalties shall perform such duties in relation to the levying and collection of school taxes and the collection of such fines and penalties, and the payment thereof to said Board for school purposes, as are now imposed by the existing laws upon such officers in relation to the levy and collection of school taxes and the collection of fines and penalties payable to the school funds; and nothing in this act, unless inconsistent therewith, shall be construed as repealing any existing law providing for the assessment and collection of school taxes in such city; and all powers and duties conferred by existing law upon any Board in relation thereto shall be continued in the Board created by this act.

§ 29. At the close of each fiscal school year the Mayor of such city shall appoint one or more expert accountants, who shall examine the books, accounts and vouchers of the Secretary and Treasurer, Business Director, and all other departments of expenditures of the

Board, and shall make due report thereof to the Mayor and Board of Education of such city. All the officers and employes of the Board shall produce and submit to such accountants for examination of all books, papers, documents, vouchers and accounts in their office belonging to the same or thereto pertaining, and shall in every way assist said accountants in their work. In the report to be made by said accountants they may make any recommendation they deem proper as to the business methods of such officers and employes. A reasonable compensation for such services shall be paid by the Board.

§ 30. The Board shall have the power to establish and maintain kindergartens for children from four to six years of age, high schools, manual training schools and a normal school and normal training classes for the purpose of training teachers to fill positions in the schools of the city, and to this end it may prescribe rules and regulations for the government of such schools, and as in other cases it may employ the principals and other teachers necessary for their efficient management.

§ 31. The Board shall provide, maintain and support separate schools wherein all colored children, who are bona fide residents of said city, between the ages of six and twenty years, may be taught in like manner as herein provided for white children. Said schools for colored children shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for the white children.

§ 32. The Board shall prescribe the necessary qualifications and mode of examination for applicants for admission to the various schools, and may furnish text-books and necessary school supplies to pupils free of charge under such rules and regulations as it may adopt.

§ 33. No formula of religious belief shall be taught or inculcated, nor shall any class or any text-book be used which reflects on any religious denomination.

§ 34. The Board shall have power to admit to the schools pupils from beyond the city limits, and shall collect from all persons so admitted tuition fees for the benefit of the school fund of the city, but may make equitable allowance or reduction for taxes paid for schools by such children or their parents on property in the city. Children of persons residing outside of the city limits shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the Board may require as aforesaid.

§ 35. A city of the First Class being deemed one school district for taxation purposes and entitled to its proportion of the common school fund of the Commonwealth, the Board of Education of such city shall make detailed reports annually and special reports as required to the State Superintendent of Public Instruction. The Board shall also, in the year 1911, and every third year thereafter, take the census of children of school age and make returns thereof to the Superintendent of Public Instruction, at the same time other school officers are required to make returns; and for the neglect of this duty the members of the Board shall be liable to the same penalties. This census shall be taken under regulations approved by the State Board of Education.

For the years in which no census is required to be taken, the Superintendent of Public Instruction shall determine the amount per capita to be paid over to the boards of education of such cities by adding annually to the number of children of school age, as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase

shown by the three actual enumerations next preceding: Provided, however, that the Board of Education of any such city or the Superintendent of Public Instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern.

§ 36. The Board shall, at the end of each scholastic year, prepare and publish, for the information of the public, a report which shall include the annual reports made to the Board by the Superintendent, Business Director and Secretary and Treasurer, together with such other information as may be proper and necessary to an understanding of the general condition and educational progress of the schools during the preceding year.

§ 37. Any member, officer or employe of such Board who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall, unless otherwise herein provided, be punished by a fine of not more than five hundred dollars or imprisonment not exceeding one year, or by both fine and imprisonment in the discretion of the jury. But nothing herein contained shall be construed as suspending the general criminal laws of the State so far as applicable.

§ 38. The general school laws of this State and all laws and parts of laws applicable to the general system of common schools in a city of the First Class and not inconsistent herewith, shall be in full force and effect in such city.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. C. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman,
—77

Resolved, that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 154. An act to authorize any railroad company operating a railroad in this State to transport passengers, baggage and freight carried by it on its railroad across any stream within the limits of or bordering upon this State and authorize any such railroad company to obtain a franchise for the carrying on of a general ferry business.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any railroad company operating a railroad in this State shall have the right, without securing the grant to it of any ferry franchise or privilege from the County Court, to transport by boat, or otherwise, or to employ other persons to transport for it, any passengers, baggage or freight carried, or to be carried, on the railroad operated by it, to and from the opposite sides of any stream within the limits of, or bordering upon, this State. And any railroad company operating a ferry for the purpose mentioned in the preceding part of this section, is authorized to transport thereon any other persons or freight applying, or offered, for transportation, upon obtaining a grant to it of a ferry franchise or privilege in the manner prescribed by law for the obtaining of such a franchise or privilege.

§ 2. All laws and parts of laws in conflict with this act, are hereby repealed.

§ 3. Inasmuch as there is at present some uncertainty as to the right of railroad companies to provide for the transportation of their

own passengers, baggage, and freight across navigable streams in this State, an emergency is hereby declared to exist, and this act shall take effect from its passage and approval.

Mr. Zimmerman offered the following amendment to said bill.

Amend said bill by adding after the word, "privilege" in line 12 of Section 1 the following language:

"But no railroad company nor any employe, agent or trustee of any railroad company shall be permitted to establish, operate or maintain a new ferry within one mile and a half in a straight line of any existing ferry heretofore established and now in operation."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	J. F. Porter,
J. W. Berkshire,	Samuel D. Hines,	L. R. Ray,
P. W. Berkshire,	John W. Holland,	R. A. Read,
J. O. Bogie,	Hite Huffaker,	Geo. W. Reid,
O. Houston Brooks,	R. Dillard Hunter,	Geo. W. Reid,
Frank J. Brown,	W. T. Kenton,	J. F. Richardson,
J. T. Buford,	Wm. F. Klair,	J. T. Riherd,
S. M. Carson,	J. H. Lackey,	Farris Roberts, Jr.,
L. H. Carter,	Hugh Mahin,	S. C. Roberts,
W. C. Caudill,	J. H. McWaters,	Samuel L. Robertson,

J. P. Chinn,	Don G. McVean,	S. M. Russell,
Henry Chunn,	Frank S. Moore,	H. A. Schoberth,
J. R. Claypool,	R. H. Moss,	S. A. Shanklin,
Z. A. Clore,	H. J. Meyers,	W. H. Shanks,
Z. T. Coleman,	Ben E. Niles,	John S. Steers,
M. G. Colson,	W. H. Newell,	J. J. Taylor,
Albert J. Counts,	L. C. Owings,	E. E. Trivette,
Peter J. Cosgrove,	S. P. Parks,	J. W. Turner,
W. L. Craig,	J. W. Perry,	Geo. C. Waggoner,
C. F. Crecelius,	W. V. Perry,	Edward A. Weber,
H. C. Duffy,	John C. Pirtle,	W. F. Welch,
G. G. Frazier,	W. F. Pitman,	W. R. Whitlow,
H. T. Gartin,	G. H. Plitt,	L. F. Withers,
F. E. Graves,	Marion F. Pogue,	J. R. Zimmerman,
Robt. L. Harris,	A. H. Points,	—74

Those who voted in the negative were—

H. L. Lewis,	H. A. Schoberth,

Resolved, that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Fulton of the Committee on Enrollments, reported that they had examined and found correctly enrolled a bill of the following title, viz:

H. B. 231. An act to revise and amend an act entitled, "An act to amend Sections 124 and 125 of an act entitled an act for the government of cities of the First Class," approved July 1, 1893, approved March 21, 1902, Section 1 of said act being Sections 2909 and 2910 of the edition of the Kentucky Statutes compiled and editied by John D. Carroll and issued in 1903.

Whereupon all other business was suspended, said bill was severally read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bill which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bill which originated in the House and which has been signed by the presiding officers of the House and Senate to the Governor.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 49. An act to authorize the appointment of a Chief Deputy or Assistant Assessor in counties having a population of forty thousand or over and under seventy-five thousand and providing for his compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That assessors of taxes in this Commonwealth in counties having a population of forty thousand or over, and under seven-five thousand, may appoint a chief deputy or assistant assessor, who shall be a sober, discreet and capable person, not under the age of twenty-four years, and whose duty it shall be in connection with subordinate deputies now provided by law, to assist the assessor in the discharge of his duties; and whose qualifications shall be subject to the approval of the county judge.

§ 2. That the compensation of said chief deputy or assistant shall be the sum of fifteen hundred dollars per annum, payable by the said counties affected hereby under order of the County or Fiscal Court.

§ 3. This act shall not apply to counties wherein deputy assessors are already entitled to compensation by existing laws based on a commission according to the aggregate assessment.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at lenth being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	John W. Holland,	A. H. Points,
P. W. Berkshire,	Hite Huffaker,	J. F. Porter,
T. M. Bertram,	R. Dillard Hunter,	L. R. Ray,
J. O. Bogie,	W. G. Keen,	Geo. W. Reid,
Frank J. Brown,	W. T. Kenton,	G. T. Reynolds,
J. T. Buford,	O. M. Kelsey,	J. F. Richardson,
L. H. Carter,	Wm. F. Klair,	J. T. Riherd,
W. C. Caudill,	J. H. Lackey,	Farris Roberts, Jr.,
J. P. Chinn,	Hugh Mahin,	S. C. Roberts,
Henry Chunn,	J. H. McWaters,	Samuel L. Robertson,
J. R. Claypool,	Don G. McVean,	S. M. Russell,
Z. A. Clore,	Frank S. Moore,	S. A. Shanklin,
Z. T. Coleman,	R. H. Moss,	W. H. Shanks,
M. G. Colson,	H. J. Meyers,	W. Logan Shearer,
Albert J. Counts,	W. H. Newell,	John S. Steers,
Peter J. Cosgrove,	L. C. Owings,	J. J. Taylor,

W. L. Craig,	S. P. Parks,	E. E. Trivette,
C. F. Crecelius,	J. W. Perry,	J. W. Turner,
H. C. Duffy,	W. V. Perry,	Edward A. Weber,
C. G. Frazier,	John C. Pirtle,	W. F. Welch,
Chas. W. Fulton,	W. F. Pitman,	W. R. Whitlow,
H. T. Gartin,	G. H. Plitt,	J. H. Williams,
F. E. Graves,	Marion F. Pogue,	L. F. Withers,
Robt. L. Harris,		—70

Those who voted in the negative were—

J. R. Zimmerman,

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 301. An act to prevent the spread of communicable disease among domestic animals in the State of Kentucky and to provide greater protection to the live stock industry in the State.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the owner or person in charge of any domestic animal or animals, who discovers, suspects, or has reason to believe that such animal or animals as aforesaid are affected with any communicable disease, to immediately report the fact, belief or suspicion to the County Live Stock Inspector of the county in which the said domestic animal or animals are found.

§ 2. Be it further enacted, That it shall be the duty of the Live Stock Sanitary Board to co-operate with the officials of the Federal Government and with officials of other States in establishing interstate quarantine lines and in enforcing such rules and regulations as shall best protect the live stock industry in the State.

§ 3. Be it further enacted, That the County Live Stock Inspector of each county, wherever any case or cases of communicable disease of any domestic animal of his county are reported to exist, shall, immediately cause the same to be investigated preferably by a qualified veterinarian, and, should such investigation show a reasonable probability that such animal or animals are effected with a communicable disease, the said County Live Stock Inspector shall immediately establish such temporary quarantine as may be necessary, in his judgment, to prevent the spread of disease, and shall, without delay report all action taken to the State Live Stock Sanitary Board, and the acts of the County Live Stock Inspector establishing said temporary quarantine shall have the same force and effect as though established by the State Live Stock Sanitary Board, until such time as they shall take charge of the case or cases, and the County Live Stock Inspector of every county in the State shall adopt and enforce such rules and regulations as said State Live Stock Sanitary Board may prescribe, having for their object the prevention and restriction of any communicable disease among domestic animals which may be either threatened or developed in such localities; and all expense incurred by County Live Stock Inspector in carrying out this act shall be a county charge, and shall be paid in like manner as other expenses of the county are.

§ 4. Be it further enacted, That any person who shall have in his or her possession any domestic animal affected with any communicable disease, knowing such animal to be affected, who shall permit such animal or animals to run at large, or who shall keep

such animal or animals where the domestic animals not affected by or previously exposed to such communicable disease may be exposed to its contagion or infection; or who shall ship, drive, sell, traffic or give away such animal or animals which have been exposed to such contagion or infection; or who shall move or drive any domestic animal in violation of any direction, rule, regulation or order of the State Live Stock Sanitary Board or County Live Stock Inspector establishing and regulating live stock quarantine, or the restriction or spread of communicable diseases among domestic animals, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars for each of such exposed or diseased domestic animals which he or she shall permit to run at large, or sell, ship, drive, trade or give away, in violation of the provisions of this act: Provided, that any owner of domestic animals which have been affected with or exposed to any communicable disease may dispose of the same after having obtained from the said State Live Stock Sanitary Board or County Live Stock Inspector a certificate of health for such animals.

§ 5. Be it further enacted, That the State Live Stock Sanitary Board shall have the general supervisions of all communicable diseases among domestic animals within or that may be in transit through the State, and they are hereby empowered to establish quarantine against any animal or animals thus diseased whether within or without the State, and may make such rules and regulations against the spread of and for the suppression of said disease or diseases as in their judgment may seem necessary and proper; and in the enforcement of such rules and regulations they shall have the power to call on any one or more of the peace officers whose duty it shall be to give all assistance in their power.

§ 6. Be it further enacted, That any person who wilfully hinders, obstructs or otherwise disregards or evades such quarantine as

they may declare, or violates any rule or regulation they shall make in attempting to stamp out or restrict the spread of any disease or diseases aforementioned, or who shall resist any peace officer acting under them or either of them shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten ($10) dollars nor more than fifty ($50) dollars.

§ 7. Be it further enacted, That in the event of any communicable disease aforesaid breaking out, or being reasonably suspected to exist in any locality in this State it shall be the duty of the local authorities or person owning or having any interest whatever in said animals, immediately to notify the County Live Stock Inspector of the fact, when he shall institute such measures for the restriction or stamping out of such disease or diseases as he may think necessary. Any person or persons specified, who shall neglect or refuse to notify said County Live Stock Inspector of the existence of any communicable disease shall be deemed guilty of a misdemeanor and upon conviction be fined not less than five ($5) dollars nor more than twenty-five ($25) dollars.

§ 8. Be it further enacted, That whenever in the opinion of the State Live Stock Sanitary Board the public safety demands the destruction of any animal or animals, under the provisions of this act, they shall, before ordering the killing or slaughtering of same appoint three disinterested freeholders, who shall be sworn before proceeding to act, and they shall make a just and true valuation of said animal or animals to be killed or slaughtered, and in valuing shall consider the health and condition of the animal or animals when killed, and they shall make and deliver a written certificate setting forth all the essential facts in the case to the lawful owner, who shall present the same to County Judge of the County in which such animal or animals are so killed or slaughtered and the same shall constitute a county charge to be paid as other claims of the county are.

§ 9. Be it further enacted, That any person or persons who knowingly shall import or bring into this State any animal or animals affected with Pleuro-Pneumonia, Rinderpest, Glanders, Scabies, Foot-rot, Lip and Leg or any other communicable disease, or who shall sell or trade any animal or animals so diseased, shall be guilty of a misdemeanor and upon conviction shall be fined in any amount not less than Twenty-five ($25) Dollars nor more than One Hundred ($100) Dollars.

§ 10. Be it further enacted, That the Governor of this State, with the Live Stock Sanitary Board may co-operate with the Government of the United States for carrying out the purposes of this act, and the said Live Stock Sanitary Board may appoint in writing any inspector or employe of the United States Department of Agriculture as State Inspector of Live Stock in enforcing the provisions of this act in any county of State, when in their judgment it may be proper and necessary, who shall have, and may exercise the powers of County Live Stock Inspector, and shall be authorized and empowered to enter premises to inspect live stock and to enforce the quarantine of counties, districts, farms and town lots, and to control the movement of live stock therefrom; and all such inspectors of live stock and the County Live Stock Inspectors are hereby authorized and empowered to quarantine and enforce such disinfection of animals and premises as may be deemed necessary. But no inspector or employe of the United States Department of Agriculture shall be paid for their services by the State of Kentucky or any county of this State. And the Governor of this State is hereby authorized to receive and receipt for any moneys receivable by this State under any act of Congress, which may at any time be in force upon this subject, and to pay the same into the State treasury, to be used according to an act of Congress and the provisions of this act as nearly as possible.

§ 11. Be it further enacted, That to carry out the provisions of this act there is hereby constituted a State Live Stock Sanitary Board which shall consist of three members of the State Board of Agriculture and Immigration, to be chosen therefrom by the members of said Board of Agriculture and Immigration, the Commissioner of Agriculture and Immigration and the head of the Division of Animal Husbandry Kentucky Agricultural Experiment Station are to be ex-officio members of the board. The members selected from the Board of Agriculture and Immigration shall hold office for the term of three years, except the member selected who shall have the shortest term to serve on the Board of Agriculture and Immigration shall serve for one year and the next member chosen who shall have the next shortest term to serve on the Board of Agriculture shall serve two years and the third member selected shall serve three years. They shall serve without salary, but shall be paid $3.00 per day, and all necessary expenses when actually engaged in the discharge of duty. There shall also be a County Live Stock Inspector appointed in each county of the State, the said appointment to be made by the county judge of each county in the State and he shall be paid by the Fiscal Court of the county for which he is appointed. The Fiscal Court of each county is to fix the amount paid to its County Live Stock Inspector.

§ 12. Be it further enacted, That all laws and parts of laws inconsistent with or repugnant to this act in this State is hereby repealed, except the laws as to those communicable diseases in domestic animals which are also dangerous and likely to be communicated to human beings.

The amendments heretofore proposed to said bill by the Committee on Agriculture are as follows, viz:

Amend Section 3, line 4 by striking out "preferably by a qualified veterinarian."

Amend Section 11 by placing the word "forestry" after the word "agriculture" wherever it occurs.

Amend Section 12 by adding thereto "and provided that the provisions of this act shall not apply to the diseases of hogs."

Amend Section 8 by adding the words "and diseases proven" after the word "killed" and before the word "and" in eighth line.

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. C. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
H. L. Lewis,
Hugh Mahin,
Don G. McVean,
Frank S. Moore,
W. H. Newell,
L. C. Owings,
S. P. Parks,
A. H. Points,
J. F. Porter,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
John S. Steers,
Geo. C. Waggoner,

Peter J. Cosgrove,	J. W. Perry,	Edward A. Weber,
S. F. Crabtree,	W. V. Perry,	W. R. Whitlow,
C. F. Crecelius,	John C. Pirtle,	J. H. Williams,
H. T. Gartin,	G. H. Plitt,	L. F. Withers,
F. E. Graves,	Marion F. Pogue,	J. R. Zimmerman,
Robt. L. Harris,		

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Those who voted in the negative were—

M. G. Colson,	J. H. McWaters,	W. Logan Shearer,
W. L. Craig,	L. R. Ray,	

—5

Resolved that the title thereof be as aforesaid.

At 6:10 o'clock p. m. Mr. Russell moved that the House do now adjourn.

Said motion was agreed to.

THURSDAY, MARCH 3, 1910.

The House was opened with prayer by the Rt. Rev. C. C. Penick of the Protestant Episcopal Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

At the instance of the Committee on Rules.

The Committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Graves of the Committee on Criminal Law.

S. B. 247. An act providing a penalty for the mistreatment of animals and for the destruction of animals to prevent suffering.

By Mr. Meyers of the Committee on Suffrage and Election.

H. B. 297. An act providing that names of candidates put on a ballot by petition shall not be placed under the device of a political party entitled to nominate by convention or primary election.

By Mr. Withers of the Committee on Kentucky Statutes.

S. B. 225. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906, and abolishing the offices of revenue agents for the State at large provided for therein.

With an amendment thereto by way of substitute therefor.

By same:

H. B. 523. An act to require owners of stock living on islands of the Mississippi River within jurisdiction of Kentucky to keep up river stock.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The house took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 47. An act to prevent the obtaining of goods under false pretenses.

H. B. 435. An act prohibiting waiters and servants from accepting "tips" in hotels and restaurants.

H. B. 449. An act to prevent the giving, loaning, furnishing to or procuring for a minor, deadly weapons or materials for loading or discharging such weapons.

H. B. 492. An act to provide for blood hounds to be kept in each county seat in this Commonwealth if ordered by the Fiscal Court to be paid for out of the county levy.

With an amendment thereto.

H. B. 499. An act to control the sale of diseased plants to prevent the dissemination of noxious insects and fungi and to prevent the sale of trees and nursery stock not true to name.

H. B. 475. An act to increase the salaries of the members of the General Assembly.

H. B. 314. An act for the benefit of the county clerks of this State.

H. B. 524. An act to amend the charter of the cities of the Second Class by creating a Board of Public Safety to have charge of the police and fire systems of the cities and leaving with the police and fire patrols the control of the fire departments thereof.

H. B. 525. An act to repeal an act entitled "An act to amend and re-enact Section 3140, Kentucky Statutes," approved March 26, 1906, and to amend and re-enact Section 3140 of the Kentucky Statutes compiled by John D. Carroll and to amend and re-enact Section 3138 of the Kentucky Statutes.

Ordered that said bills be severally read the second time. The constitutional provision as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 258. An act to repeal an act entitled "An act to regulate the practice of barbering, the registration and licensing of persons to carry on such practice and to insure the better education of such practitioners and insure better sanitary conditions in barber shops and prevent the spreading of disease in the State of Kentucky."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education of such practitioners and insure better sanitary conditions in barber shops and to prevent the spreading of disease in the State of Kentucky, which was approved March 21, 1902, be and the same is hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	G. H. Plitt,
W. D. Allbright,	Robt. L. Harris,	A. H. Points,
P. W. Berkshire,	L. B. Herrington,	J. F. Porter,
Eli Berry,	John W. Holland,	W. Price,
T. M. Bertram,	R. Dillard Hunter,	L. R. Ray,
Frank J. Brown,	W. T. Kenton,	R. A. Read,
J. T. Buford,	O. M. Kelsey,	G. T. Reynolds,

S. M. Carson,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
W. H. Shanks,
W. H. Southall, Jr.,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
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Those who voted in the negative were—

M. G. Colson,
F. E. Graves,
S. P. Parks,
Geo. W. Reid,
John S. Steers,
—5

Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 81. An act to amend an act entitled "An act for the government of cities of the First Class," approved July 1, 1893, for the better government and administration of school system in cities of the First Class and to create and perpetuate a pension or retirement fund for

disabled public school teachers and to create and perpetuate a Board of Trustees for the management and conduct thereof and to pension members thereof after service of a term of years.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act for the Government of Cities of the First Class" approved July 1, 1893, be amended by adding thereto the following:

§ 2. That in every city of the First Class there is hereby created a Public School Teachers Pension or Retirement Fund, which shall be controlled by a Board of Trustees consisting of five persons as follows: The Mayor of the city, the President of the School Board, the Superintendent of Public Schools of the city, and two teachers, to be chosen by a majority of the public school teachers of the city at a meeting to be called and held for that purpose within thirty days after the passage of this act. Said two teachers shall serve as trustees for a term of two years each; and every two years thereafter two teachers shall be elected from the public school teachers of said city by a majority of the public school teachers at a meeting to be called and held for that purpose.

Said Board shall elect from their number a President and a Secretary. The Treasurer of the School Board in cities of the First Class shall be ex-officio Treasurer of said Board and of the funds coming into its hands.

§ 3. There may be levied and set apart by the General Council of cities of the First Class a tax for the year 1911 not exceeding one cent on each one hundred dollars of the value of the taxable property in said cities for said year as a fund for the pensioning or retirement of

public school teachers in said cities, and a like tax may be levied and set apart for the same purpose for any succeeding year when the amount of value of the property to the credit of the Public School Teachers Pension or Retirement Fund falls below three hundred thousand dollars as of the date September 1st, preceding: That is, if during any year succeeding 1910 there shall be to the credit of said Public School Teachers Pension or Retirement Fund on September 1st, property and funds of less value than three hundred thousand dollars, then the General Council may levy and set apart for the year succeeding a tax not exceeding one cent on each one hundred dollars of the value of the taxable property in said city, where said condition occurs for said year as a fund for the purposes herein defined.

Any public school teacher in any city of the First Class may pay one per cent of his or her salary to help to establish and maintain said Public School Teachers Pension or Retirement Fund, and any person or persons may give or contribute to said Public School Teachers Pension or Retirement Fund any money or property, either by gift or bequest, and the payment so made, together with the tax levy aforesaid shall constitute and be kept as a fund to be called "The Public School Teachers Pension or Retirement Fund"; and the said board heretofore designated is hereby declared to be the Trustee of said Fund, and they shall have power, and it shall be their duty from time to time to invest same in whole or in part, as hereinafter provided, and they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

§ 4. Said Board shall have exclusive control and management of said Fund, and all moneys donated and all gifts or bequests made to said Fund, and all moneys paid or assessed for the relief of the pensioning or retirement of public school teachers, and said Board may assess each public school teacher of the city of Louisville one per centum of the salary of such public school teacher to be deducted and

withheld from the monthly pay of each public school teacher so assessed, the same to be placed by the Treasurer of the School Board of each city of the First Class to the credit of such fund, subject to the order of said Board.

§ 5. The said Board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for pensions or retirement under this act, and said Board's decision on such applications for pension or retirement shall be final and conclusive and not subject to revision or reversal except by said Board; and a record shall be made and kept of all the meetings and proceedings of said Board.

§ 6. The said Board shall have power to draw such pension or retirement fund from the treasury and shall invest the same or any part thereof in the name of the Board of Trustees of the Public School Teachers Pension or Retirement Fund in interest bearing bonds of the United States of America, or the Commonwealth of Kentucky, or any city of the First Class in the Commonwealth of Kentucky, and all such securities shall be deposited with said Treasurer of the School Board of cities of the First Class as ex-officio treasurer of said Board, and shall be subject to the order of said Board.

§ 7. Both the principal and interest of said Pension or Retirement fund shall be applicable to the payment of pensions under this act.

§ 8. If any public school teacher of the public schools of cities of the First Class while in the performance of his or her duty becomes temporarily or totally disabled, physically or mentally, for service, the Board of Trustees may order the payment to said disabled school teacher monthly during such disability, not to exceed one year, from said Pension or Retirement Fund, the sum of $35.00 per month, provided such school teacher during the same period is not paid any salary as such school teacher.

§ 9. If any public school teacher in the public schools of cities of the First Class while in the performance of his or her duty becomes mentally or physically permanently disabled by reason of service in such public schools so as to render necessary his or her retirement from service in said public schools, said Board of Trustees shall retire such disabled school teacher from service in said public schools, and any public school teacher so retired shall be paid a monthly pension amounting to the sum of four hundred dollars per annum, payable in monthly installments.

§ 10. Any public school teacher in cities of the First Class, who is fifty-five years of age or more, and who has served twenty-five years or more in such public schools of cities of the First Class, and who has resided for twenty-five years in such city, may make application to be retired as a teacher in such public schools, and if his or her application is granted by said Board, the said Board of Trustees shall order and direct that such persons be paid a monthly pension amounting to the sum of $400 per annum, payable in monthly installments.

§ 11. If at any time there shall not be sufficient money in such Pension or Retirement Fund to pay each person entitled to the benefit thereof, the amount per month as herein provided, then an equal per centage of such monthly payments shall be made to each beneficiary until the said Fund shall be so replenished as to warrant the payment in full to each of said beneficiaries.

§ 12. The Treasurer of the School Board in each city of the First Class shall be the custodian of said Pension or Retirement Fund, and shall secure and safely keep the same subject to the control and direction of the Board herein designated, and shall keep his books and accounts concerning such Fund in such manner as may be prescribed by said Board, and the said books and accounts shall always be subject to the inspection of the Board or any member thereof. The Treasurer shall within ten days after his election or appointment exe-

cute a bond to the Board of Trustees with good and sufficient surety in the penal sum of three hundred thousand dollars, such bond to be approved by the Board and conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such Treasurer, and that upon the expiration of his term of office he will surrender and deliver to his successor all bonds and securities and all unexpended moneys or other properties which may have come into his hands as Treasurer of said fund; and said bond shall be filed in the office of the Secretary of the School Board in such cities of the First Class may be sued on in the name of said Board, or any person or persons injured by a breach thereof.

If said Treasurer shall execute a bond with a surety company or companies as his surety or sureties, then the cost of securing said bond or bonds from said surety company or companies shall be paid out of the said Pension or Retirement Fund.

§ 13. It shall be the duty of such officer or officers of cities of the First Class as are designated by law to draw warrants on the Treasurer of said city, on request in writing by said Board of Trustees to draw warrants on the Treasurer of said city, payable to the Treasurer of said Board of Trustees of the Public School Teachers Pension or Retirement Fund for all funds belonging to said Pension or Retirement Fund as aforesaid.

§ 14. All moneys ordered to be paid from said Pension or Retirement Fund to any person or persons shall be paid by the Treasurer of the Board of Trustees only upon warrant signed by the President of said Board of Trustees and countersigned by the Secretary thereof; and no warrants shall be drawn except by order of the Board, after having been duly entered on the records of the proceedings of the Board.

§ 15. The Board of Trustees of said Public School Teachers Pension or Retirement Fund in cities of the First Class shall make a report to the General Council of such cities and to the School Board of such cities, of the condition of said Pension or Retirement Fund on the last meeting night in August in each and every year.

§ 16. No portion of said Pension or Retirement Fund shall before or after its order for distribution by the Board of Trustees to the persons entitled thereto be held, seized, taken, subjected to or detained or levied upon by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever, issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment, against the beneficiary of said fund; but said fund shall be held and distributed for the purpose of this act, and for no other purpose whatever.

§ 17. It shall be the duty of the Attorney for the School Board of cities of the First Class, without compensation, to give advice to the Board of Trustees of the Public School Teachers Pension or Retirement Fund in all matters pertaining to their duties and the management of said fund, whenever requested; and he shall represent and defend said Board as its attorney in all suits on actions at law, or in equity, that may be brought against it, and shall bring all suits and actions in its behalf that may be required or determined upon by said Board, and all this he shall do without any compensation being paid him by the said Board of Trustees.

§ 18. This act shall become a law from and after its passage, and there being an emergency for the immediate taking effect of this act by reason of the fact that cities of the First Class are in urgent need of the establishment of a Public School Teachers Pension and Retirement Fund.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	G. H. Plitt,
W. D. Allbright,	Robt. L. Harris,	Marion F. Pogue,
Eli Berry,	L. B. Herrington,	A. H. Points,
T. M. Bertram,	Robt. C. Hill,	Geo. W. Reid,
J. O. Bogie,	John W. Holland,	G. T. Reynolds,
O. Houston Brooks,	R. Dillard Hunter,	H. T. Rich,
Frank J. Brown,	S. B. Johnson,	J. F. Richardson,
J. T. Buford,	W. T. Kenton,	J. T. Riherd,
S. M. Carson,	O. M. Kelsey,	Farris Roberts, Jr.,
J. P. Chinn,	Wm. F. Klair,	S. C. Roberts,
Henry Chunn,	J. H. Lackey,	Samuel L. Robertson,
Sidney G. Clay,	L. C. Littrell,	W. Logan Shearer,
Z. T. Coleman,	Hugh Mahin,	John S. Steers,
M. G. Colson,	Don G. McVean,	J. J. Taylor,
Albert J. Counts,	R. H. Moss,	E. E. Trivette,
Peter J. Cosgrove,	H. J. Meyers,	J. W. Turner,
S. F. Crabtree,	Ben E. Niles,	Edward A. Weber,
W. B. Creekmore,	W. H. Newell,	W. F. Welch,
Wm. S. Dean,	S. P. Parks,	W. R. Whitlow,
Chas. W. Fulton,	W. F. Pitman,	J. H. Williams,

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Those who voted in the negative were—

H. C. Duffy,	Hite Huffaker,	C. C. Patrick,

Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 208. An act relating to bonds, of public officials and other bonds required by law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the bond required by law to be executed by any State, county, city or other public official, and the bond required by law of any depository of State, county, city or other public funds, and the bond of any executor, administrator, guardian, committee, assignee, or other judiciary, and any other bond required by law for the discharge or performance of any public or judicial office, trust or employment, shall be a covenant to the Commonwealth of Kentucky, from the principal and surety, or sureties, that the principal will faithfully discharge the duties of the office, trust or employment, and such bond shall be limited in a definite penal sum, not less than the total sum likely to come into the hands of such official, fiduciary or depository, which sum shall be determined and fixed by the officer or officers whose duty it is to approve the bond, and the recovery against the surety under such bond shall be limited to the amount of the penalty named therein: Provided, that the officer or officers taking any bond mentioned in this act, when it may appear to the interest of the obligee or obligees, may increase the penal sum of such bond or require a renewal thereof with other additional sureties.

§ 2. The act of 1908, entitled "An act relating to bonds of public officials and other bonds required by law," which was approved by the Governor on March 17, 1908, and all other laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	A. H. Points,
W. D. Allbright,	Robt. L. Harris,	J. F. Porter,
P. W. Berkshire,	L. B. Herrington,	W. Price,
Eli Berry,	R. C. Hill,	R. A. Read,
J. O. Bogie,	John W. Holland,	Geo. W. Reid,
O. Houston Brooks,	Hite Huffaker,	G. T. Reynolds,
Frank J. Brown,	R. Dillard Hunter,	H. T. Rich,
J. T. Buford,	S. B. Johnson,	J. F. Richardson,
S. M. Carson,	W. G. Keen,	J. T. Riherd,
L. H. Carter,	W. T. Kenton,	Farris Roberts, Jr.,
Sidney G. Clay,	O. M. Kelsey,	S. C. Roberts,
J. R. Claypool,	J. H. Lackey,	Samuel L. Robertson,
Z. A. Clore,	H. L. Lewis,	S. M. Russell,
Z. T. Coleman,	L. C. Littrell,	W. H. Shanks,
M. G. Colson,	J. H. McWaters,	W. Logan Shearer,
Peter J. Cosgrove,	Don G. McVean,	W. H. Southall, Jr.,
S. F. Crabtree,	R. H. Moss,	John S. Steers,
W. L. Craig,	H. J. Meyers,	J. J. Taylor,
C. F. Crecelius,	W. H. Newell,	E. E. Trivette,
W. B. Creekmore,	L. C. Owings,	J. W. Turner,
Wm. S. Dean,	S. P. Parks,	Geo. C. Waggoner,
H. C. Duffy,	C. C. Patrick,	Edward A. Weber,
L. H. Francies,	W. V. Perry,	W. F. Welch,
G. G. Frazier,	John C. Pirtle,	W. R. Whitlow,
Chas. W. Fulton,	W. F. Pitman,	J. H. Williams,
H. T. Gartin,	G. H. Plitt,	L. F. Withers,
T. D. Graham,	Marion F. Pogue,	—80

Those who voted in the negative were—

Ben E. Niles,	L. R. Ray,	J. R. Zimmerman,

Resolved that the title thereof be as aforesaid.

Mr. ——— moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 11. Resolution for the benefit of the ministers of the Gospel of Frankfort.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $350 is hereby appropriated out of any money in the treasury not otherwise appropriated, to the minsiters of the Gospel of Frankfort who have opened the sesions of the House and Senate with prayer during this session of the General Assembly, said sum to be paid by the Auditor on the joint warrant of the Chief Clerks of the Senate and House of Representatives, who will distribute said sum to the ministers entitled to same.

Provided, that said sum of $350 shall be paid one-half to the Clerk of the House, and one-half to the Clerk of the Senate, to be distributed by them to the ministers entitled to same.

§ 2. Whereas, It is but just and fair that these services should be paid for promptly, an emergency is declared to exist and this resolution shall take effect from and after its adoption.

Ordered that said resolution be read the third time.

The constitutional provision as to the third reading of said resolution at length being dispensed with,

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	R. Dillard Hunter,	J. F. Porter,
P. W. Berkshire,	S. B. Johnson,	W. Price,
Eli Berry,	W. G. Keen,	L. R. Ray,
T. M. Bertram,	W. T. Kenton,	R. A. Read,
O. Houston Brooks,	Wm. F. Klair,	Geo. W. Reid,
Frank J. Brown,	H. L. Lewis,	J. F. Richardson,
J. T. Buford,	L. C. Littrell,	J. T. Riherd,
J. P. Chinn,	J. H. McWaters,	Farris Roberts, Jr.,
Sidney G. Clay,	H. J. Meyers,	S. C. Roberts,
Z. A. Clore,	Ben E. Niles,	S. M. Russell,
Z. T. Coleman,	W. H. Newell,	S. A. Shanklin,
M. G. Colson,	L. C. Owings,	W. H. Shanks,
Peter J. Cosgrove,	C. C. Patrick,	W. Logan Shearer,
C. F. Crecelius,	J. W. Perry,	John S. Steers,
H. C. Duffy,	John C. Pirtle,	J. W. Turner,
F. E. Graves,	W. F. Pitman,	W. R. Whitlow,
Robt. L. Harris,	G. H. Plitt,	L. F. Withers,
Robt. C. Hill,	Marion F. Pogue,	J. R. Zimmerman,

—56

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 302. An act repealing the charter of Dycusburg Public School.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act for the better organization of the public schools in the Dycusburg common school district, in the county of Crittenden," which act was approved March 19, 1878, be and the same is hereby repealed and said corporation is hereby dissolved.

§ 2. This act shall take effect and be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	H. C. Duffy,	W. Price,
W. D. Allbright,	G. G. Frazier,	L. R. Ray,
J. W. Berkshire,	T. D. Graham,	R. A. Read,
P. W. Berkshire,	John W. Holland,	Geo. W. Reid,
T. M. Bertram,	Hite Huffaker,	G. T. Reynolds,
J. O. Bogie,	R. Dillard Hunter,	J. F. Richardson,
O. Houston Brooks,	W. T. Kenton,	J. T. Riherd,
Frank J. Brown,	O. M. Kelsey,	Farris Roberts, Jr.,
J. T. Buford,	Wm. F. Klair,	S. C. Roberts,
S. M. Carson,	J. H. Lackey,	Samuel L. Robertson,
L. H. Carter,	L. C. Littrell,	S. M. Russell,
J. P. Chinn,	Hugh Mahin,	S. A. Shanklin,

Henry Chunn,	Don G. McVean,	W. Logan Shearer,
Sidney G. Clay,	Frank S. Moore,	W. H. Southall, Jr.,
J. R. Claypool,	R. H. Moss,	John S. Steers,
Z. A. Clore,	H. J. Meyers,	J. J. Taylor,
Z. T. Coleman.	W. H. Newell,	J. W. Turner,
M. G. Colson,	S. P. Parks,	Geo. C. Waggoner,
Albert J. Counts,	W. V. Perry,	Edward A. Weber,
S. F. Crabtree,	John C. Pirtle,	W. F. Welch,
W. L. Craig,	W. F. Pitman,	J. H. Williams,
C. F. Crecelius,	G. H. Plitt,	L. F. Withers,
W. B. Creekmore,	Marion F. Pogue,	J. R. Zimmerman,
Wm. S. Dean,	A. H. Points,	—71

Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 397. An act to amend and re-enact Section 2463, Kentucky Statutes entitled "Mechanics and Material Men," which became a law February 25, 1893.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That Section 2463, of Carroll Kentucky Statutes be, and the same is hereby amended and re-enacted by adding to said section, the following to be inserted after the word "provided" and before the words "that such lien shall not take precedure," etc.: "That no person shall acquire a lien under this section, unless he shall notify,

in writing, the owner of the property to be held liable, or his authorized agent, immediatey after the last item of said material or labor is furnished, of his intention to hold the said property liable, and the amount for which he will claim a lien," and adding thereto a new paragraph, so that said section, when amended will read as follows:

"A person who performs labor or furnishes material in the erection, altering or repairing a house, building or other structure, or for any fixture or machinery therein, or for the excavation of cellars, cisterns, vaults, wells, or for the improvement in any manner of said real estate by contract with, or by the written consent of the owner, contractor, sub-contractor, architect or authorized agent, shall have a lien thereon, and upon the land upon which the said improvements shall have been made, or any interest such owner has in the same to secure the amount thereof, with cost; and said lien on the land or improvements shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor, or the furnishing of the material; and said lien, if asserted, as herein provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials; provided, that no person shall acquire a lien under this section unless he shall notify in writing the owner of the property to be held liable or his authorized agent, immediately after the last item of said material or labor is furnished, of his intention to hold the said property liable, and the amount for which he will claim a lien, and provided, that such lien shall not take precedure of a mortgage or other contract, lien or bona fide conveyance for value without notice, duly recorded or lodged for record according to law, unless the person claiming such prior lien shall before the recording of such mortgage or other contract, lien or conveyance have filed in the clerk's office of the County Court of the county wherein he shall have performed labor or furnished materials, or shall expect to perform labor or furnish materials, as aforesaid, a statement showing that he has performed or furnished, or that he expects to furnish such

labor or materials, and the amount in full thereof, and his lien shall not as against the holder of said mortgage, or other contract, lien, or conveyance exceed the amount of the lien claimed or expected to be claimed as set forth in such statement. The statement aforesaid shall in other respects be in the form of the tenor prescribed by Section 2468. The liens provided for herein shall in no case be for a greater amount in the aggegate than the contract price of the original contractor; and should the aggregate amount of liens exceed the price agreed upon between the original contractor and the owner, then there shall be a pro rata distribution of the original contract price among said lien holders.

§ 2. It shall be sufficient proof of the notice required herein that such notice was mailed to the last known address of the owner of the property upon which a lien is claimed, or to his duly authorized agent within the county within which the property to be held liable is located.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	J. F. Porter,
J. W. Berkshire,	Samuel D. Hines,	W. Price,
P. W. Berkshire,	John W. Holland,	L. R. Ray,
Eli Berry,	R. Dillard Hunter,	Geo. W. Reid,
T. M. Bertram,	W. G. Keen,	G. T. Reynolds,
J. O. Bogie,	W. T. Kenton,	J. F. Richardson,

Frank J. Brown,	O. M. Kelsey,	J. T. Riherd,
J. T. Buford,	L. C. Littrell,	Farris Roberts, Jr.,
L. H. Carter,	Hugh Mahin,	S. C. Roberts,
Sidney G. Clay,	J. H. McWaters,	S. M. Russell,
J. R. Claypool,	Don G. McVean,	S. A. Shanklin,
Z. A. Clore,	Frank S. Moore,	W. H. Shanks,
M. G. Colson,	R. H. Moss,	W. Logan Shearer,
Albert J. Counts,	Ben E. Niles,	W. H. Southall, Jr.,
Peter J. Cosgrove,	L. C. Owings,	John S. Steers,
S. F. Crabtree,	W. V. Perry,	J. W. Turner,
C. F. Crecelius,	John C. Pirtle,	Geo. C. Waggoner,
W. B. Creekmore,	W. F. Pitman,	W. R. Whitlow,
H. C. Duffy,	G. H. Plitt,	J. H. Williams,
G. G. Frazier,	Marion F. Pogue,	L. F. Withers,
Chas. W. Fulton,	A. H. Points,	J. R. Zimmerman,
T. D. Graham,		--64

Those who voted in the negative were—

H. L. Lewis,

Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B 209. An act to amend Section 1944a concerning rabbits and squirrels.

Together with an amendment thereto by way of substitute therefor heretofore proposed by the Committee on Fish and Game.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1944a, Kentucky Statutes, 1909 edition, be, and the same is hereby amended by striking therefrom the words "provided any one may catch rabbits with dogs," or in snares, and adding in lieu of the words thus stricken therefrom the following: "And no person shall kill, or pursue with such intent, or have in his possession when so killed, any rabbit caught or killed in a trap, deadfall or snare, or by, through or with the aid of a ferret, at any time during the year," so that the said section, as amended, shall read:

"RABBITS AND SQUIRRELS, CONCERNING.—No person shall kill, or pursue with such intent, or have in his possession when so killed, any rabbit or squirrel, between the fifteenth day of September and the fifteenth day of November in that year; and no person shall kill, or pursue with intent, or have in his possession when so killed, any rabbit caught or killed in a trap, deadfall or snare, or by, through or with the aid of a ferret, at any time during the year."

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to set a steel trap, dead fall or snare upon the premises or property of another, and any one thus offending shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

§ 2. Having in possession game, caught as set out in Section 1 shall be prima facie evidence of guilt as herein provided.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

Mr. Crecelius offered the following amendment to said substitute, viz:

Amend by inserting after the word "another" in line two the words "without first securing the written consent of the owner of the premises or property."

Said amendment was agreed to.

Mr. P. W. Berkshire offered the following amendment to said substitute, viz:

Amend by inserting after the word "snare" and before the word "upon" in the second line of Section one the following words, viz: "or to loose or hunt with a ferret."

Said amendment was agreed to.

Said substitute as amended was agreed to.

Ordered that said bill as amended be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed and the same being engrossed it was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	H. C. Duffy,	G. H. Plitt,
J. W. Berkshire,	H. T. Gartin,	Marion F. Pogue,
P. W. Berkshire,	T. D. Graham,	A. H. Points,
Eli Berry,	L. B. Herrington,	J. F. Porter,
J. O. Bogie,	Samuel D. Hines,	W. Price,
O. Houston Brooks,	Hite Huffaker,	L. R. Ray,
Frank J. Brown,	W. G. Keen,	Geo. W. Reid,

J. T. Buford,	W. T. Kenton,	J. F. Richardson,
L. H. Carter,	H. L. Lewis,	Samuel L. Robertson,
J. P. Chinn,	L. C. Littrell,	S. M. Russell,
Sidney G. Clay,	Hugh Mahin,	S. A. Shanklin,
J. R. Claypool,	Don G. McVean,	W. H. Southall, Jr.,
Z. A. Clore,	Frank S. Moore,	John S. Steers,
Z. T. Coleman,	R. H. Moss,	J. J. Taylor,
Albert J. Counts,	H. J. Meyers,	Geo. C. Waggoner,
Peter J. Cosgrove,	Ben E. Niles,	Edward A. Weber,
W. L. Craig,	W. H. Newell,	W. R. Whitlow,
C. F. Crecelius,	L. C. Owings,	J. H. Williams,
W. B. Creekmore,	S. P. Parks,	L. F. Withers,
Wm. S. Dean,	W. F. Pitman,	—59

Those who voted in the negative were—

T. M. Bertram,	J. H. McWaters,	Farris Roberts, Jr.,
Henry Chunn,	C. C. Patrick,	S. C. Roberts,
M. G. Colson,	J. W. Perry,	W. Logan Shearer,
S. F. Crabtree,	G T Reynolds,	W. F. Welch,
S. B. Johnson,	J. T. Riherd,	J. R. Zimmerman,
		—15

Resolved that the title thereof be as aforesaid.

Mr. Crecelius moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 125. An act relating to crimes and punishments; fixing a penalty for any person who shall drink intoxicating liquors or be drunk or disorderly upon any public common carrier or in or about any depot, station, ticket office, waiting room or platform of same,

fixing the venue of the prosecution for a violation of the same and providing that officers and agents of common carriers may arrest violators.

Together with an amendment thereto heretofore proposed by the Committee on Pubic Morals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who shall, in or upon any railroad passenger coach, interurban car, street car, or in or upon any vehicle commonly used for the transportation of passengers, or in or upon any common carrier, or in or about any railroad depot, station, ticket office, waiting room, or platform, drink any intoxicating liquor of any kind; or if any person shall be or become drunk or disorderly in or upon any railroad passenger coach, interurban car, street railway, or in or upon any vehicle commonly used for the transportation of passengers, or in or upon any common carrier, or in or about any railroad depot, station, ticket office, waiting room, or platform, such person or persons shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars, or imprisoned not less than ten nor more than thirty days, or both so fined and imprisoned in the discretion of the court or jury.

Provided, that the foregoing section shall not apply to any person drinking intoxicating liquors purchased by him in or upon any buffet or dining car operated by a common carrier in this Commonwealth.

§ 2. Any person violating the provisions of Section 1 of this act shall be tried in any court of competent jurisdiction in the county where the offense shall have been committed.

§ 3. Every railroad conductor, interurban and street railway conductor, and every station agent, depot agent and ticket agent of any railroad, interurban or street railway company is hereby authorized and empowered to exercise in any county of this Commonwealth through which any train, interurban or street railway passes, and in which county the conductor of said train, or interurban, or street car, or depot, or station agent is in charge of such common carrier or depot property, all the common law and statutory powers of sheriffs, constables, policemen and town marshals in said respective counties for the purpose of enforcing the provisions of this act, and they are hereby authorized and empowered to arrest any and all offenders against such provisions, and when they are in charge of such trains, depots, stations and railroad property, and shall make an arrest as above set out, they are to be considered as acting for the Commonwealth and not as employes of the railroad company, in so far as making the arrest is concerned. Arrests of violators for offenses against the provisions of this act may be made by such conductor or employe or agent of the railroad or common carrier without warrant; and the person or persons so arrested shall be delivered by him to the nearest county judge, justice of the peace, police judge, sheriff, constable, policeman, or marshal within the county in which the offense was committed for a trial as provided by law.

Provided, that if the train shall have passed from the county in which such an offense was committed and in which such arrest shall shall have been made, then said conductor shall deliver the person so arrested to some officer of the county through which the train is then passing, and he shall be held and delivered by the officer to whom such person has been delivered to some officer of the county in which the offense was committed, and be there held for trial as provided by law.

The amendment as proposed by said Committee to said bill is as follows, viz:

Amend by striking out Section 3 and inserting in lieu thereof the following:

§ 3. It shall be the duty of every railroad conductor of a steam, interurban or street railway and station, depot or ticket agent of said railway when he sees any person violating the provisions or any of them of Section 1 of this act to at once notify the nearest or most convenient sheriff, constable, town marshal, or policeman, of the county in which the offense is committed giving him such description by name or otherwise as will enable the officer to identify the offender as also giving him the offense and it shall thereupon be the duty of the officer so notified to arrest without delay any such person without any other evidence of his guilt and to take him before the nearest magistrate to be proceeded against in the manner provided by law. If any such officer shall willfully or negligently refuse to make the arrest he shall be fined not less than ten dollars nor more than fifty dollars for each offense and it shall be the duty of the conductor or agent giving to the officer the information upon which to make the arrest to prosecute the delinquent officer.

Said amendment was agreed to.

Mr. Williams offered the following amendment to said bill:

Amend Section 1 by adding the word "locomotive" after the word "railroad" in line one.

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Samuel D. Hines,	A. H. Points,
W. D. Allbright,	John W. Holland,	W. Price,
J. W. Berkshire,	R. Dillard Hunter,	L. R. Ray,
P. W. Berkshire,	W. T. Kenton,	R. A. Read,
Eli Berry,	O. M. Kelsey,	Geo. W. Reid,
T. M. Bertram,	Wm. F. Klair,	G T Reynolds,
J. O. Bogie,	J. H. Lackey,	H. T. Rich,
O. Houston Brooks,	H. L. Lewis,	J. F. Richardson,
Frank J. Brown,	L. C. Littrell,	J. T. Riherd,
J. T. Buford,	J. H. McWaters,	Farris Roberts, Jr.,
Henry Chunn,	Don G. McVean,	S. C. Roberts,
J. R. Claypool,	Frank S. Moore,	S. M. Russell,
Z. A. Clore,	R. H. Moss,	S. A. Shanklin,
Z. T. Coleman,	Ben E. Niles,	W. H. Shanks,
M. G. Colson,	W. H. Newell,	W. Logan Shearer,
Albert J. Counts,	L. C. Owings,	W. H. Southall, Jr.,
Peter J. Cosgrove,	S. P. Parks,	J. J. Taylor,
S. F. Crabtree,	C. C. Patrick,	E. E. Trivette,
C. F. Crecelius,	J. W. Perry,	J. W. Turner,
W. B. Creekmore,	W. V. Perry,	Geo. C. Waggoner,
Wm. S. Dean,	John C. Pirtle,	Edward A. Weber,
H. C. Duffy,	W. F. Pitman,	W. F. Welch,
G. G. Frazier,	G. H. Plitt,	W. R. Whitlow,
T. D. Graham,	Marion F. Pogue,	J. H. Williams,
L. B. Herrington,		—73

Resolved that the title thereof be as aforesaid.

Mr. Waggoner moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 398. An act concerning tenement houses, apartment houses and flat houses in a city of the First Class, and relating to the construction, reconstruction, alteration, maintenance, sanitation, inspection, protection, safety, control and regulation, and providing penalties for violations of this act.

Together with the amendments heretofore proposed thereto by the Committee on Municipalities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

General Provisions.

§ 1. Short Title.—This act shall be known as the "Tenement House Act."

§ 2. Definitions.—Certain words and terms in this act are defined for the purposes thereof as follows:

1. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person.

2. A "tenement house" is any house or building, or portion thereof, in a city of the First Class, which is rented, let or hired out, to be occupied, or is occupied, or is intended, arranged or designated

to be occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways, yard, cellar, water-closets or privies, or some of them, and includes apartment houses and flat houses in cities of the First Class.

3. A "yard" is an open, unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the extreme rear line of the lot.

4. A "court" is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court, not extending to a street or yard, is an inner court. A court, extending to a street only, is a street court. A court extending to a yard or alley only, is a yard court. A court extending through from street to yard or alley, is a through court.

5. A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose.

6. A "public hall" is a hall, corridor or passageway not within an apartment.

7. A "stair hall" includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

8. A "basement is a story partly, but not more than one-half below the level of the curb.

9. An "apartment" is a suit of two or more rooms used or intended to be used as the home of one family or household.

10. By a "corner lot," as used in this act, is meant a lot abutting on two intersecting streets, or a street and an intersecting highway or

public alley not less than twenty feet wide measured between the property lines.

11. The word "nuisance," in this act, shall be held to embrace a public nuisance, as known at common law or in equity jurisprudence; and it is hereby further enacted that whatever is dangerous to human life or detrimental to health in, under, over, around or about a tenement house; whatever tenement house, or part thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof; whatever tenement house or part thereof is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted, in reference to the intended or actual use; and whatever renders the air or human food or drink therein unwholesome, are also severally, in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal.

12. The word "shall" is always mandatory, and not directory, and denotes that the house shall be made and maintained, in all respects, according to this act, as long as it continues to be a tenement house.

13. Wherever the words "charter," "ordinance," "regulations," "department of buildings," "building department," "health department," "department of health," "department charged with the enforcement of this act," "city attorney," "corporation counsel," "city treasury," or "fire limits," occur in this act, they shall be construed as if followed by the words "of the city of the First Class in which the tenement house is situated." Wherever the words "is occupied" are used in this act, applying to a building, such words shall be construed as if followed by the words "or is intended, arranged or designated to be occupied."

14. The "height" of a tenement house is the perpendicular distance, measured in a straight line from the curb level to the highest point of the roof beams, the measurements in all cases to be taken

through the center of the facade of the house. Where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the facade on the street having the greatest grade.

§ 3. Buildings Converted or Altered.—A building not erected for use as a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected.

§ 4. Alterations and Change in Occupancy.—No tenement house hereafter erected shall at any time be altered so as to be in violation of any provision of this act. And no tenement house erected prior to the passage of this act shall at any time be altered so as to be in violation of those provisions of this act applicable to such tenement house. If any tenement house, or part thereof, is occupied by more families than provided in this act, or is erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the health department may cause such building to be vacated. And such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

§ 5. Law Not to be Modified.—No ordinance, regulation or ruling of any municipal body or authority shall repeal, amend, modify or dispense with any provision of this act; provided, however, that nothing contained in this section or in this act shall impair the right of any city of the First Class to pass and enforce any ordinance regulating the subjects of buildings, sanitation, fire protection or inspection, provided such ordinance is not inconsistent with any of the provisions of this act.

§ 6. Time for Compliance.—All improvements specifically required by this act in or upon tenement houses erected prior to the date of its passage, shall be made within two years from said date.

ARTICLE II.

TITLE 1. LIGHT AND VENTILATION.

§ 7. Percentage of Lot Occupied.—No tenement house hereafter erected shall occupy more than eighty per centum of a corner lot; nor more than seventy per centum of any other lot. The measurements shall be taken at the ground level, except where there is a store on the ground floor, as specified in Sections eight and ten of this act.

§ 8. Yards.— Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot, and at every point open from the ground to the sky unobstructed. The depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be proportionate to the height of the building. In the case of tenement houses hereafter erected which are fifty feet in height, the yard shall not be less than fifteen feet in depth in every part. Said yard shall be increased in depth one foot for every additional twlve feet of height of the building or fraction thereof; and may be decreased in depth one foot for every twelve feet in depth in any part; except that, where there is a public alley at the rear of the lot, the width of said yard may be decreased by the width of said alley measured between the property lines; and except that where there is a store on the first story, and that story is or is intended to be occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams; provided that the roof of said store is properly drained and finished with granitoid, or other roofing susceptible of being cleaned and swept and make accessible to a janitor.

§ 9. Courts.—No court shall be less in any part than the minimum sizes prescribed in this section. In case of any tenement house hereafter erected, the sizes of all inner and the width of all through courts

upon which windows open shall be proportionate to the height of the building. The width of all street and yard courts shall be proportionate to the length of said courts. In case of any tenement house hereafter erected which is fifty feet in height, the width of all inner courts shall be not less than twelve feet in any part, and the length shall not be less than twenty-four feet in any part, and for every twelve feet of increase, or fraction thereof, in the height of said building, such width and length shall each be increased at least one foot in the height of such story; and for every twelve feet of decrease in the height of the said building below fifty feet, such width and length may each be decreased one foot; but no inner court shall ever be less than ten feet in width in any part, nor less than twenty feet in length in any part. No through court shall be less in width than the minimum prescribed for the inner court, except that where no windows open upon a through court, such court may have three feet as its minimum width. In case of a yard and street court, the width of such court shall never be less than one-half of its length; provided that nothing in this section or any other section of this act shall permit any increase in the maximum percentage of the lot permitted to be occupied by a tenement house as required in Section 7 of this act.

§ 10. Courts Open at Top.—No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed; except that where there is a store on the first story, and that story is, or is intended to be occupied for business purposes, of a kind not prohibited by this act, such court may start at the level of the second story beams; provided that the roof of said store is properly drained and finished with granitoid or other roofing susceptible of being cleaned and swept, and made accessible to a janitor.

§ 11. Air Intakes.—Every inner court shall be provided with one or more horizontal air-intakes at the bottom. Each such air-intake

shall always communicate directly with the street, yard or alley, and shall consist of a fireproof passage-way not less than thirty-five feet in area of cross section, which shall be left open and unobstructed, except that it may be closed by grills which shall not diminish its area more than ten per cent. No door or window shall open upon this intake unless it is at least two full stories in height. Where there is a store on the first story, as permitted by this act, the bottom of the court, as used in this section, shall be taken to mean the roof of said store.

§ 12. Angles in Courts.—Nothing contained in the foregoing sections concerning courts shall be construed as preventing windows, at the angles of said courts, provided that the running length of the wall containing such windows does not exceed six feet.

§ 13. Tenements in Alleys.—No separate tenement house shall be erected upon any private alley. No separate tenement house shall be erected upon any public alley where there is not left an open space at least twenty-five feet in width between the tenement house and the opposite property line.

§ 14. Buildings on Same Lot With Tenement Houses.—If any building is hereafter placed on the same lot with a tenement house, there shall always be maintained between the said buildings an open, unobstructed space extending upwards from the ground and extending across the entire width of the lot. Where either building is fifty feet in height, such open space shall be twenty-four feet from wall to wall; and for every twelve feet of increase, or fraction thereof, in the height of such building, such open space shall be increased two feet in depth throughout the entire width, and for every twelve feet of decrease in the height of such building below fifty feet, the depth of such open space may be decreased two feet. And no building of any kind shall be hereafter placed upon the same lot with a tenement house so as to

decrease the minimum size of courts or yards as hereinbefore prescribed. And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this act, and in addition, the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate dimensions.

§ 15. Rooms, Lighting of and Ventilation of.—In every tenement house hereafter erected, every room, including water-closet compartments and bath rooms, shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in this act; and such window or windows shall be so located as to properly light all portions of such room.

§ 16. Windows in Rooms.—In every tenement house hereafter erected, the total window area in each room, including water-closet compartments and bath rooms, shall be at least one-tenth of the superficial floor area of the room, and the top of at least one window shall be not less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

§ 17. Rooms, Size of.—In every tenement house hereafter erected, all rooms, except water-closet compartments and bath rooms, shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and fifty square feet of floor area, and each other room shall contain at least eighty-four square feet of floor area. Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling.

§ 18. Alcoves and Alcove Rooms.—In a tenement house hereafter erected, an alcove in any room shall be separately lighted and ventilated, as provided for rooms in the foregoing sections, and shall not be

less than eighty square feet in floor area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required, and shall have a floor area of not less than eighty square feet.

§ 19. Chimneys and Fireplaces.—In every tenement house hereafter erected, there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, for every apartment, properly connected with one of said chimneys.

§ 20. Privacy.—In every tenement house hereafter erected, in each apartment of three or more rooms, access to every living room and bedroom, and to at least one water-closet compartment, shall be had without passing through any bedroom.

§ 21. Public Halls—In every tenement house hereafter erected, every public hall shall have at each story at least one window opening directly upon the street or alley, or upon a yard or court whose opposite wall is not less than fifteen feet from said window. When there is but one window, such window shall either be at the end of the hall with the plane of the window at right angles to the length of the hall, or so placed in the side of the hall that the distance from said window to either end of the hall is not greater than the width of the hall. When there is more than one window, said windows may be placed upon the side of the hall, provided that the distance between the windows is not in excess of twice the width of the hall, and the distance from the end of the hall to the nearest window is not in excess of the width of the hall.

§ 22. Window and Skylights for Public Halls, Size of.—One at least of the windows provided to light each public hall or part

thereof shall be at least two feet six inches wide and five feet high, measured between stop beads. In every such house there shall be in the roof, directly over each stair well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvres.

§ 23. Windows for Stair Halls, Size of.— In every tenement house hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall, which window shall be at east two and a half feet wide and five feet high, measured between the stop beads. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections, provided that such door contains the amount of glazed surface prescribed for such window.

TITLE 3.

SANITATION.

§ 24. Basement and Cellar Rooms.— In tenement houses hereafter erected no room in the cellar shall be constructed, altered, converted or occupied for living purposes; and no room in the basement shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions are complied with:

1. Such room shall be at least nine feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be, in every part, at least four feet and six inches above the curb level of the street in front of such room, when such room or the apartment containing it, is located in the front part of the building. When, however, such room, or the apartment containing it, is located in the rear of the building, the yard across the entire width of the building shall be excaveted so as to extend to a point below the floor level for a distance of at least three feet from the rear wall of the building. All courts upon which

such room or apartment opens shall be excavated so as to extend to a point below the floor level of such room or apartment. Every such room shall be an integral part of an apartment containing a room having a window opening directly to the street or yard.

3. There shall be appurtenant to such room a separate water-closet, constructed and arranged as required by Section twenty-nine of this Act.

4. Such room shall have a window or windows opening upon the street, or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and the upper half of the window shall be made to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

5. All walls surrounding such room shall be damp-proof.

6. The floor of such room shall be damp-proof and water-proof.

§ 26. Cellars, Damp-proofing and Lighting.—Every tenement house hereafter erected shall have all walls below the ground level and all cellars or lower floors damp-proof and water-proof. When necessary to make such walls and floors damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls and up the same as high as required and shall be continued throughout the floor, and the cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts.

§ 27. Shafts, Courts, Areas and Yards.—In every tenement house hereafter erected, the bottom of all shafts, courts, areas and yards which extend to the basement or cellar shall extend six inches below

the floor level of said basement or cellar. In every tenement house hereafter erected all shafts, courts, areas and yards shall be properly graded and drained, and all shafts, courts and areas shall be paved.

§ 28. Water Supply.—In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

§ 29. Water-closet Accommodations.—In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment. Each such water-closet shall be placed in a compartment completely separated from every other water-closet; such compartment shall be not less than three feet wide, and shall be inclosed with plastered partitions, which shall extend to the ceiling. Every such compartment shall have a window opening directly upon the street or upon a court or yard, except that where there is an adequate system of enforced ventilation said compartment may open upon a shaft. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels, or with a translucent glass transom, not less in area than four square feet. The floor of every such water-closet compartment shall be made water-proof with asphalt, tile, stone or some other water-proof material; and such water-proofing shall extend at least six inches above the floor so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixtures shall be inclosed with any woodwork.

§ 30. Sewer Connection.—No tenement house shall hereafter be erected on any street unless there is a public sewer therein or a private sewer connection directly with a public sewer. No cess-pool or privy vault or similar means of sewerage disposal shall be used in connection

with any such tenement house, but every such house shall have its plumbing system connected with a public sewer before such house is occupied.

§ 31. Plumbing.—In every tenement house hereafter erected no plumbing fixtures shall be enclosed with woodwork. All plumbing pipes shall be exposed, when so required by the health department. In all tenement houses hereafter erected where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made air-tight with plaster or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room.

ARTICLE III.

ALTERATIONS.

§ 32. Percentage of Lot Occupied.—No tenement house shall hereafter be enlarged, or its lot be diminished, so that a greater percentage of the lot shall be occupied by buildings or structures than provided in Section seven of this act.

§ 33. Yards.—No tenement house shall hereafter be enlarged or its lot be diminished, so that the yard shall be less in depth than the minimum depths prescribed in Section eight of this act for tenement houses hereafter erected. The measurements in all cases shall be taken from the extreme rear wall of the building to the rear lot line, and across the full width of the lot, and such yard shall be at every point open from the ground to the sky; except that, where there is a store on the first story and that story is or is intended to be occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams;

provided that the roof of said store is properly drained and finished with granitoid, or other roofing, susceptible of being cleaned and swept and made accessible to a janitor.

§ 34. Light Courts in Existing Buildings.—Any court used or intended to be used to light or ventilate water-closet compartments or rooms, and which may be hereafter placed in a tenement house erected prior to the passage of this act, shall not be less in area than sixty-four square feet, nor less than eight feet in its least dimension, in any part, and such court shall, under no circumstances, be roofed or covered over at the top with a roof or skylight. Every such court shall be provided at the bottom with a horizontal air intake as provided in Section eleven of this act.

§ 35. Additional Rooms and Halls.—Any additional room or hall that is hereafter constructed or created in a tenement house shall comply, in all respects, with the provisions of this act relating to new construction, except that such room or hall may be of the same height as the other rooms or hall on the same story of the house.

§ 36. Rooms, Lighting and Ventilation of.—No tenement house shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way.

§ 37. Alcoves and Alcove Rooms.—No part of any room in a tenement house shall hereafter be inclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a window as required by Section eighteen of this act, and have a floor area of not less than eighty square feet.

§ 38. Skylights.—All new skylights hereafter placed in a tenement house shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or movable

louvres or with movable sashes, and shall be of such size as may be determined to be practicable by the health department.

§ 39. Water-closet Accommodations.—Every new water-closet hereafter placed in a tenement house, except those provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of Section twenty-nine of this act relative to water-closets in tenement houses hereafter erected.

ARTICLE IV.

MAINTENANCE.

§ 40. Public Halls, Lighting of, in the Daytime.—In every tenement house where the public halls and stairs are not provided with windows opening directly to the street or yard, and such halls and stairs are not sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway, near the stairs, upon each floor, as may be necessary, from sunrise to sunset.

§ 41. Public Halls, Lighting at Night.—In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of said house from sunset until ten o'clock in the evening.

§ 42. Water-closets in Cellars.—No water-closet shall be maintained in the cellar of any tenement house without a special permit in writing from the health department.

§ 43. Water-closet Accommodations.—There shall be provided at least one water-closet for every four families in every tenement house existing prior to the passage of this act.

§ 44. Basement and Cellar Rooms.—Hereafter in tenement houses erected prior to the passage of this act, no room in the basement or cellar shall be occupied for living purposes without a written permit from the health department, and such permit shall be kept readily accessible in the main living room of the apartment containing such room. And no such room shall hereafter be occupied unless all the conditions of this section are complied with; and said written permit shall be issued only when all of the said conditions are complied with and if the permit is refused the reason for such refusal shall be stated by said department in writing, and a copy thereof shall be kept in a proper book in the office of said department, and be accessible to the public, and said conditions are as follows, to-wit.

1. Such room shall be at least seven feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be in every part at least two feet above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a water-closet.

4. There shall be outside of and adjoining such room, and extending along the entire frontage of said room an open space at least three feet wide in every part, unless such room extends for more than one-half of its height above the curb level. Such space shall be well and effectually drained.

5. At least one of the rooms of the apartment of which such room is an integral part shall have a window or windows opening directly to the street or yard, of at least twelve square feet in size clear of the sash frame, and which shall open readily for purposes of ventilation.

6. If the house is situated over marshy ground, or ground on which water lies, or ground on which there is water pressure from below, the lowest floor shall be waterproof and dampproof.

7. Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation in the opinion of the health department.

In case of rooms located in tenement houses erected prior to the passage of this act, which do not comply with all the provisions of subdivisions one, two and four of this section, the health department may issue a special permit for occupancy; provided said department shall certify in writing that such rooms have sufficient light and ventilation, are well drained and dry, and are fit for human habitation. The procedure in such cases shall be as follows: Upon receipt of a written request from the owner stating that there are rooms in the basement or cellar which are or have been previously occupied for living purposes but which do not conform to the requirements of subdivisions one, two and four of this section, and requesting a special permit for the occupancy of such room, the said department shall cause an inspection to be made, and a written report filed which shall state the respects in which said rooms do not conform to the requirements of said subdivisions, and whether said rooms have sufficient light and ventilation, are well drained and dry, and are fit for human habitation. No such special permit, however, shall be assued unless such facts are certified to in writing by said department. Such special permits shall be issued only by the head of the department or his deputy, who may require such improvements or alterations in said rooms, as may be practicable, as a condition precedent to the granting of said special permit. All reports and papers connected therewith shall be deemed public records in the health department.

§ 45. Water-closets and Public Sinks.—In all tenement houses the floor or other surface beneath and around water-closets and sinks

shall be maintained in good order and repair and, if of wood, shall be kept well painted with light colored paint.

§ 46. Cellar Walls and Ceilings.—The cellar walls and ceilings of every tenement house shall be thoroughly whitewashed or painted a light color by the owner and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the health department.

§ 47. Repairs.—Every tenement house and all the parts thereof shall be kept in good repair, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on to the ground or causing dampness in the walls, ceilings, yards or areas.

§ 48. Water Supply.—Every tenement house shall have running water furnished in sufficient quantity at one or more places on each floor occupied by or intended to be occupied by one or more families. The owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said house, at all times of the year, during all hours of the day and night. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water have been provided in said house.

§ 49. Cleanliness of Buildings.—Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth and garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same. The owner of every tenement house or part thereof shall thoroughly cleanse and keep clean at all times all of the parts, appurtenances and premises of a tenement house in common use among the

tenants; and each tenant shall cleanse and keep clean at all times each room and apartment occupied by him, to the satisfaction of the health department.

§ 50. Walls of Courts and Shafts.—The walls of all yard courts, and inner courts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the health department.

§ 51. Walls and Ceilings of Rooms.—In all tenement houses, the health department may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted with white paint when necessary to improve the lighting of such room, and may require this to be renewed as often as may be necessary.

§ 52. Wall Paper.—No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

§ 53. Receptacles for Ashes, Garbage and Rubbish.—The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

§ 54. Prohibited Uses.—No horse, cow, calf, swine, sheep, goat or chickens shall be kept in a tenement house, or on the same lot or premises thereof, and no tenement house, or the lot or premises thereof, shall be used for a lodging house for transients or as a stable, or for the storage or handling of rags, or as a place of public assemblage, or as a place of assignation or prostitution.

§ 55. Combustible Materials.—No tenement house or any part, thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any combustible article, except under such conditions as may be prescribed by the health department, under authority of a written permit issued by said department. No tenement house or any part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or deterimental to life or health, or for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

§ 56. Bakeries and Fat Boiling.—No bakery and no place of business in which fat is boiled, shall be maintained in any tenement house which is not fire-proof throughout.

§ 57. Other Dangerous Businesses.—There shall be no transom, window or door opening into a hall from any portion of a tenement house where paint, oil, spirituous or intoxicating liquors or drugs are stored fr the purpose of sale or otherwise.

§ 58. Janitor or Housekeeper.—In any tenement house in which the owner thereof does not reside, and where there are ten or more apartments, there shall be a janitor, housekeeper or other responsible person, who shall reside in said house and have charge of the same, if the health department shall so require.

§ 59. Overcrowding.—If a room in a tenement house is overcrowded, the health department may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than six hundred cubic feet of air to each adult, and four hundred cubic feet of air to each child under twelve years of age occupying such room.

§ 60. Infected and Uninhabitable Houses to be Vacated.—Whenever it shall be that a tenement house, or any part thereof, is intected

with contagious disease, or that it is unfit for human habitation, or dangerous to life or health by reason of want of repair, or defects in the drainage, plumbing, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said house, the health department may issue an order requiring all persons therein to vacate such house, or part thereof, within not less than twenty-four hours nor more than ten days, for reasons to be mentioned in said order. In case such order is not complied with within the time specified, the health department may cause said tenement house or part thereof to be vacated. The department, whenever it is satisfied that the danger from said house or part thereof has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time within which to comply with the same.

§ 61. Repairs to Buildings, Etc.—Whenever any tenement house or any building, structure, excavation, business pursuit, matter or thing, in or about a tenement house, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is, in the opinion of the health department, in a condition dangerous or detrimental to life or health, the health department may declare that the same, to the extent it may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as the order shall specify. The health department may order or cause any tenement house or part thereof or any excavation, building, structure, sewer, plumbing pipe, passage, premises, ground, matter or thing, in or about a tenement house, or the lot on which it is situated, to be purified, cleaned, disinfected, removed, altered, repaired or improved. If any order of the department is not complied with, within five days after the service thereof, or within such time as the department may designate, then such order may be executed by said department through its officers, agents, employes or contractors.

§ 62. Fire Escapes.—Every tenement house hereafter erected, over two stories and a basement in height, and every building hereafter altered for use as a tenement house, over two stories and a basement in height, shall be equipped and kept equipped with such fire escapes for each floor as shall be deemed adequate by the building department. The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire-escape. Every tenment house hereafter erected within the fire limits shall be of fire-proof construction. Every tenement house hereafter erected, over three stories and a basement in height, and every non-fire-proof building hereafter altered for use as a tenement house, over three stories and a basement in height, shall be of fire-proof construction.

§ 63. Fire Proofing, Scuttles, Bulkheads, Ladders and Stairs.—All scuttles and bulkheads and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no bulkhead door shall be at any time locked with a key, but either may be fastened on the inside by sliding bolts or hooks.

ARTICLE IV.

IMPROVEMENTS.

§ 64. Rooms, Lighting and Ventilation of.—No room in a tenement house existing prior to the passage of this act shall hereafter be occupied for living purposes unless it shall have a window opening directly upon the street, or upon a yard not less than four feet deep, or above the roof of an adjoining building, or upon a court of not less than twenty square feet in area, open to the sky with-

out roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. Every room which does not comply with the above provisions shall be provided with a sash window, opening into an adjoining room in the same apartment which latter room either opens directly on the street or on a yard of the above dimensions. Said sash windows shall be a vertically-sliding pulley hung sash not less than three feet by five between stop beads; both halves shall be made so as to readily open, and the lower half shall be glazed with translucent glass, and so far as possible it shall be in line with windows in outer rooms opening on the street or yard so as to afford a maximum of light and ventilation. In the case of rooms located in apartments that extend through from the street to the yard, thus insuring through ventilation, where such rooms are already provided either with windows, window openings, glass sliding doors, or large alcove openings to adjoining rooms, but do not comply with all the provisions of this section, the health department when satisfied that no material improvement in the light and ventilation of such rooms can be had that would warrant the providing of new windows of the size and kind specified, may permit the occupancy of such rooms for living purposes in certain cases, provided such improvements or alterations as may be practicable and as are required by said department are made by the owner, and said certain cases are as follows:

1. Where there is an existing window or window-opening from such interior room to an adjoining room and such window or opening is not less than ten square feet in area.

2. Where there is an existing glass sliding door or an alcove opening of sufficient size from such interior room to an adjoining room.

3. Where rooms located on the top floor open upon a court of less size than twenty square feet or closed at the top, but such rooms have sufficient light and ventilation.

4. Where owing to the size of partitions, arrangements of rooms, location or fixed closets or stairs, or the interposition of air shafts, it is impracticable to provide a window of the required size, and a window as large as practicable is provided.

§ 65. Public Halls, Lighting of.—In every tenement house whenever a public hall on any floor is not light enough in the daytime to permit a person to read common news-print of a newspaper in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms, shall be removed, and ground glass or wire glass panels of an agrgegate area of not less than four square feet for each door, shall be substituted; or said public hall may be lighted by a window or windows at the end thereof with the plane of each window at right angles to the axis of the said hall, said window or windows opening upon the street or upon a yard or court.

§ 66. Public Halls, Lighting and Ventilation of.—In all tenement houses erected prior to the passage of this act, the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the health department, which may order such improvements and alterations in said houses as in its judgment may be necessary to accomplish this result. All new skylights hereafter placed in such houses shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by said department.

§ 67. Public Sinks.—In all tenement houses erected prior to the passage of this act, the woodwork inclosing sinks located in the public

halls or stairs shall be removed, and the space underneath said sinks shall be left open. The floors and wall surfaces beneath and around the sink or sinks shall be put in good order and repair and, if of wood, shall be well painted with light-colored paint.

§ 68. Water-closets.—In all tenement houses erected prior to the passage of this act, the woodwork inclosing all water-closets shall be removed from the front of said closets, and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be put in good order and repair, and if of wood, shall be well painted with light-colored paint.

§ 69. Privy Vaults, School Sinks and Water-closets.—In all tenement houses erected prior to the passage of this act, where a connection with a sewer is possible, all school sinks, privy vaults or other similar receptacles used to receive fecal water, urine or sewage, shall, within two years from the passage and approval of this act, be completely removed and the place where they were located disinfected under the direction of the health department. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer-connected, and with individual traps, and properly-connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than three square feet in area opening directly to the street or yard or on a court. The floors of the water-closet compartments shall be water-proof as provided in Section 29 of this act. Where water-closets are placed in the yard, to replace school sinks or privy vaults, long hopper closets may be used; but all traps, flush tanks and pipes shall be protected against the action of frost. In such cases, the structure containing the water-closets shall not exceed ten feet in height; such structure shall be provided with a ventilating sky-light in the roof, of an adequate size, and each water-closet

shall be located in a compartment completely separated from every other water-closet. Proper and adequate means for lighting the structure at night shall be provided. There shall be provided at least one water-closet for every four families or less in every tenement house existing on the day this act takes effect. Except as in this section otherwise provided, such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations of the city in relation to plumbing and drainage.

§ 70. Basements and Cellars.—The floor of the cellar or lowest floor of every tenement house shall be free from dampness and, when necessary, shall be concreted with four inches of concrete of good quality and with a finished surface. The cellar ceiling of every tenement house shall be plastered, when so required by the health department, except where such ceiling is already well sheathed with matched boards, or well covered with a metal ceiling, or where the first floor above the cellar is constructed of iron beams and fireproof filling.

§ 71. Shafts and Courts.—In every tenement house there shall be at the bottom of every shaft and inner court, a door giving sufficient access to such shaft or court to enable it to be properly cleaned out; provided, that where there is already a window or door in a tenement house, giving proper access to such shaft or court, such window or door shall be deemed sufficient.

ARTICLE VI.

Requirements and Remedies.

§ 72. Permit to Commence Building.—Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is commenced, and before the construction for alteration of any building or structure on the same lot with a tenement house, the owner or his agent or architect, shall

submit to the Inspector of Buildings and to the Health Department, a detailed statement in writing verified by the affidavit of the person making the statement, of the specifications for the light and ventilation and sanitation of such tenement house or building, and also a full and complete copy of the plans of such house or building and of the proposed work, and a correct plat, by dimensions, of the lot occupied or to be occupied. Such statement shall give in full the name and residence, by street and number, if any, of the owner or owners of such tenement house or building. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall also contain the full name and residence, by street and number, if any, of such other person, whether he be owner, lessee or agent. Said affidavit shall allege that said specifications and plans are true, and contain a correct description of such tenement house, building, structure, lot and proposed work. The statements and affidavits herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner, for the purpose of this act, unless he shall file with the said department a written instrument, signed by such owner, designating him as such agent. Any false swearing in a material point in any affidavit provided for in this act shall be deemed such, and punished as such under the laws of the Commonwealth. Such specifications, plans, affidavits and statements shall be filed in the said departments and shall be deemed public records, and no such specifications, plans, affidavits or statements shall be removed from said departments. The said departments shall cause all such plans, statements, affidavits and specifications to be examined, and if they conform to the provisions of this act relative to the light, ventilation and sanitation of tenement houses, they shall be approved by the health department, and a written certificate to that effect shall be issued to the person submitting the same. Compliance with the

provisions of this act, other than those relating to light, ventilation and sanitation, shall be under the supervision of the department of building, and if such plans, statements, affidavits and specifications conform to the provisions of this act in such other respects, they shall also be approved by said building department, and a written certificate to that effect issued to the person submitting the same. The respective departments may, from time to time, approve changes in any plans and specifications previously approved by them, provided the plans and specifications when so changed shall be in conformity with the law. The construction, alteration or conversion of such tenement house, building or structure, or any part thereof, shall not be commenced until the filing of such plans, affidavits, specifications and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such house, building or structure, shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the health or building department, but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation. Said departments or either of them shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specifications, plans, affidavits or statements submitted or filed for such permit or approval.

§ 73. Certificate of Compliance.—No tenement house hereafter altered or constructed or building altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the health department that said building conforms in all respects to the requirements of this act relative to the light, ventilation and sanitation of tenement houses, and until the issuance of a certificate by the building department, that said house conforms in all other respects to the requirements of this act.

§ 74. Penalties and Violations.—Every person who shall violate, or assist in the violation of any provision of this act, shall be fined not less than ten dollars nor more than twenty-five dollars for each and every day that such violation shall continue. Such person or persons shall also be liable for all costs, expenses and disbursements paid or incurred by said departments, or by any of the officers thereof, or by any agent, employe or contractor of the same, in the removal of any nuisance or violation. The existence of any nuisance or violation of this act in or upon the property, shall subject said property to the fines and penalties prescribed by this act, and the said fines and penalties shall be a lien thereon from the time of the creation or existence of such nuisance or violation, and may be enforced in a proper proceeding *in rem* in any court of competent jurisdiction.

§ 75. Procedure.—In case any tenement house, building or structure or any part thereof is constructed, altered, converted or maintained in violation of any provision of this act or any order or notice of the departments charged with its enforcement, or in case a nuisance exists in any such tenement house, building or structure, or upon the lot on which it is situated, either of said departments or the city attorney or corporation counsel may institute in the name of the city any appropriate civil action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, or to restrain, correct or abate such violation or nuisance, or to prevent the occupation of said tenement house, building or structure, or to prevent any illegal act, conduct or business in or about such tenement house or lot, or for the imposition or collection of any fine or penalty prescribed by this act.

§ 76. Registry of Owner's Name.—Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the health and building departments a notice containing his name and address, and also a description

of the property, by street number or otherwise, as the case may be, in such manner as will enable the said departments easily to find him and the property.

§ 77. Registry of Agent's Name.—Every owner, agent or lessee of a tenement house shall file in the departments of health and of buildings a notice containing the name and address of an agent, residing in the city wherein the house is located, for the purpose of receiving service of process, in all actions herein provided for, and also a description of the property by street number or otherwise in such a manner as will enable the said departments to easily find the same. The name of the owner or lessee may be filed as agent for this purpose.

§ 78. Service of Notice and Orders.—Every notice or order issued by the departments in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued. The posting of a copy of such notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to such person, if any, whose name has been filed with the departments of health or building in accordance with the provisions of Sections 76 and 77 of this act, at his address as therewith filed, shall be sufficient service thereof.

§ 79. Indexing Names.—The names and addresses filed in accordance with Sections 76 and 77 shall be indexed by the departments of health and building, in such a manner that all of those filed in relation to each tenement house shall be together, and readily ascertainable. The said departments shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the city. Said indexes shall be public records, open to the public inspection during business hours.

§ 80. Disagreements Between Departments.—In case of any disagreement between the health and building departments with respect

to the construction and enforcement of this act or any part thereof, the question shall be referred to the board of public safety for final determination.

§ 81. Fines and Recoveries to be Paid into City Treasury.—All fines and recoveries realized under this act shall be paid to the City Treasurer.

§ 82. Duty of City Attorney or Corporation Counsel.—It shall be the duty of the City Attorney or Corporation Counsel and his assistants, to render all legal service that may be required for the enforcement of any or all of the provisions of this act.

§ 83. Laws Repealed.—All statutes of the State and all local ordinances, so far as inconsistent with the provisions of this act, are hereby repealed.

§ 84. When to Take Effect.—This act shall take effect from and after its passage.

The amendments as proposed to said bill by said Committee are as follows, viz:

Amend Article I, Section 2, Paragraph 8, by adding to said paragraph the words "and a 'cellar' is a story more than one half below the level of the curb," so that said paragraph shall read in full as follows:

8. A "basement" is a story partly, but not more than one half below the level of the curb, and a "cellar" is a story more than one half below the level of the curb.

Amend Article II, Title 1, Section 7, by striking out the whole thereof and substituting the following:

"§ 7. Percentage of Lot to be Left Vacant.—Of the area of any interior lot on which a tenement house is hereafter erected, there shall remain unoccupied and open to its full extent in all directions to the sky at least thirty per cent. If the front line of the house is set back from the street, the lot area thus left vacant shall not be counted as a part of the thirty per cent herein provided to be left vacant. Of the area of any corner lot, the streets adjacent to which are twenty or more feet wide, on which a tenement house is hereafter erected, there shall remain unoccupied at least twenty per cent. If a public alley ten feet or more in width, measured between the property line, lie along a third side, the area of so much of said alley as lies along the width of said lot, may be counted as making up a part of the said twenty per cent to be left vacant. Communication between said vacant space shall be established and maintained with the alley or with the street, as elsewhere provided in this act. Where there is a store in the first story and that story is intended to be, or is, occupied for business purposes only of a kind not prohibited by this act, said vacant space may be considered to start from the second story beams, provided that the roof of said store or business portion of the first story is properly drained and finished with concrete or other roofing which can be easily kept clean, and is accessible to the occupants of the upper stories of the building and has free communication with the alley or street as herein elsewhere provided for spaces left vacant at the ground."

Amend Article II, Title 1, Section 8, by striking out the whole thereof and substituting the following:

"§ 8. Yards. Where there is a yard behind a tenement house, the depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be proportionate to the height of the building. In the case of tenement houses hereafter erected which are fifty feet in height, the yard shall not be less than fifteen feet in

depth in every part. Said yard shall be increased in depth one foot for every additional twelve feet of height of the building or fraction thereof; and may be decreased in depth one foot for every twelve feet in height of the building less than fifty feet, but it shall never be less than twelve feet in depth in any part, except that where there is a public alley at the rear of the lot, the width of said yard may be decreased by the width of said alley measured between the property lines; and except that, where there is a store on the first story, and that story is or is intended to be occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams. Provided that the roof of said store is properly drained and finished with granitoid or some other roofing susceptible of being cleaned and swept, and made accessible to a janitor."

Ament Article II, Title 1, Section 15, by adding to said section the words "except as otherwise provided in Section 29 of this act," so that said amended section shall read as follows:

§ 15. Rooms, Lighting and Ventilation of.—In every tenement house hereafter erected, every room, including water-closet compartments and bath rooms, shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in this act; and such window or windows shall be so located as to properly light all portions of such room, except as otherwise provided in Section 29 of this act.

Amend Section 19 by adding at the end of said section the following, to-wit:

"Wherever cooking is done, or is to be done, by coal, gas, wood or other fuel, except electricity, in said apartment."

Amend Section 21 by adding at the end of said section the following, to-wit:

"Except that where there is a system of artificial lighting and ventilation which is, in the opinion of the Health Department, adequate to properly light and ventilate said hall, the windows required in this section may be omitted.

Said amendments were severally adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
Henry Chunn,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
R. Dillard Hunter,
S. B. Johnson,
O. M. Kelsey,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G T Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Stears,
J. J. Taylor,
J. W. Turner,
Geo. C. Waggoner,

W. B. Creekmore,	W. F. Pitman,	Edward A. Weber,
H. C. Duffy,	Marion F. Pogue,	W. R. Whitlow,
L. H. Francies,	J. F. Porter,	L. F. Withers,
G. G. Frazier,	W. Price,	J. R. Zimmerman,
Chas. W. Fulton,		

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Resolved that the title thereof be as aforesaid.

Mr. Robertson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The hour of 1:30 o'clock P. M. having arrived,

The House adjourned until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

At 3:30 o'clock P. M. the House met pursuant to adjournment.

A message was received from the Senate announcing that they had passed a bill which originated in the House entitled,

H. B. 347. An act to regulate the establishment of industrial schools.

By unanimous consent bills of the following titles were introduced, ordered printed and referred as follows, viz:

By Mr. Colson:

H. B. 533. An act to protect stock breeders within the State of Kentucky.

To Committee on Agriculture.

By Mr. Bertram:

H. B. 534. An act to repeal the charter of the town of Concord in Lewis County.

To Committee on cities of the Fifth and Sixth Classes.

By Mr. Robertson:

H. B. 535. An act to amend the various acts relating to the Kentucky Normal and Industrial Institutes for colored persons.

To Committee on State University and Normal Schools.

By Mr. Porter:

H. B. 536. An act to provide for holding Circuit Courts and the trial of cases therein when from any cause the judge shall fail to attend or if in attendance can not properly preside.

To Committee on Circuit Courts.

By Mr. Parks:

H. B. 537. An act for the benefit of one Asa Hardin in Breckenridge County refunding to him money expended for a pauper idiot, a State charge.

To Committee on Kentucky Statutes.

By Mr. Geo. W. Read:

H. B. 538. An act to amend Section 1899, Kentucky Statutes, Carroll's Edition, 1909.

To Committee on Kentucky Statutes.

Mr. Fulton of the Committee on Re-districting—Legislative which had originated, the same reported a resolution entitled:

H. Res. 2. Resolution providing for a joint commission to consider the redistricting the State into Legislative Districts and providing compensation.

The committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Lackey of the Committee on Public Health:

H. B. 5. An act to amend Sections 2622, 2623, 2625, 2627, and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll.

With an amendment thereto by way of substitute therefor.

By Mr. Hines of the Committee on Public Utilities:

H. B. 481. An act authorizing electric and power companies, partnerships or individuals engaged in the business of producing or supplying electricity for the purpose of furnishing light, heat or power to the public to contract for rights of way through, across and along the public road, turnpikes and through, over and across the land of private persons and to acquire lands necessary for power houses, substations and other buildings and to condemn such rights of way or such land when the same are not secured by contract.

By Mr. Carter of the Committee on Education No. 1.

H. B. 392. An act to amend Section 8 of an act of the General Assembly approved March 24, 1908, for the government and regulation of the common schools of the State.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

By Mr. Craig of the Committee on Forestry.

S. B. 15. An act to establish a State Board of Forestry prescribing its duties and for conserving the forests and water supply of the State and appropriating money therefor.

With the expression of opinion that said bill ought not to pass.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby established a State Board of Forestry to consist of seven members, namely, the Governor of the State, the Director of the State Geological Survey and the Director of the Kentucky Experiment Station at Lexington, Ky., who shall be ex-officio members of the said Board and four citizens of the State to be appointed and commissioned by the Governor, with the advice and consent of the Senate, and to hold office as hereinafter provided.

A State Forester shall be appointed by said Board, who shall be a trained forester and shall have a practical and theoretical knowledge of forestry and shall hold office for a term of four years and until the appointment and qualification of his successor.

Two of the four citizens first to be appointed members of said Board by the Governor shall be appointed for a term of two years each, and two of them for a term of four years each, and, upon the expiration of their terms of office, their successors shall be appointed for terms of four years.

The four members of said Board to be appointed by the Governor before entering upon the discharge of their duties, shall each take the oath of office prescribed by the Constitution of the State.

§ 2. The State Forester, before entering upon the performance of the duties of his office, shall execute bond to the Commonwealth with surety or sureties worth at the time not less than $20,000 to be approved by the Governor and filed in the office of the Secretary of State, conditioned for the faithful performance of the duties of his office upon which, for any breach thereof, action may be instituted from time to time and recovery had to the extent of the damage sustained by the Commonwealth of others. Said bond shall be examined and the sureties approved by the Governor once in each year, and he may, at any time when he deems the bond insufficient, require the execution of a new bond or additional sureties on the old one.

§ 3. The care, management and preservation of the Forest Reserves of the State hereafter to be acquired and established, and the forests thereon, as well as future growth thereon, and all moneys appropriated in that behalf, or collected therefrom in any way, and all personal and real property acquired to carry out the object of this act are hereby made subject to the control of the said State Forestry Board as the same may be herein or in subsequent acts defined and required.

The said Board shall observe, keep in view, and, so far as it can, ascertain the best methods of re-foresting cut over and denuded lands, foresting waste lands, preventing the destruction of forests by fire, the administering of forests on forest principles, the instruction and encouragement of private owners in preserving and growing timber for commercial and manufacturing purposes, and the general conservation of forest tracts around the headwaters and on the water sheds of all the water courses of the State.

§ 4. The said Board shall have the power to purchase lands in the name of the State suitable for forest culture and reserves, at a price which shall not exceed five dollars per acre, using for such purposes any surplus money not otherwise appropriated, which may be standing to the credit of the forest reserve fund; and to make and enforce all rules and regulations governing State reserves; the care and maintenance thereof, the prevention of trespassing thereon and for the conduct of its officers, agents and employes; and it may accept gifts of land and money to the State for forestry purposes, the same to be held, protected and administered by the said Board as a State Forest Reserve, and to be used so as to demonstrate the practical utility of timber culture and as a breeding place for game. Such gifts must be absolute except for the reservation of all mineral and mining rights over and under land which may be donated, and a stipulation that they shall be administered as State Forest Reserves, and the Attorney-General of the State is directed to see that all deeds to the State of lands mentioned above are properly executed before the gift is accepted.

Section 5. Before completing the purchase of any land for forestry purposes, the said Board shall cause to be made an abstract or abstracts of title to the same which shall be furnished to the Attorney-General of the State who shall certify in writing to said Board his opinion as to the title thereof and the steps, if any, necessary to be taken to perfect the same, and it shall be the duty of said Board and of said Attorney-General to see that the title to said land is valid and clear, free and unincumbered, and that the deed or deeds therefor are properly executed before payment is made of the purchase money.

Section 6. It shall be the duty of said Board to make or cause to be made a careful investigation of the streams and navigable rivers within and bordering upon the State; of the methods, means and cost of improving the same; of preventing their pollution; of conserving

the water supply thereof; of using the same for the production of power, and how and in what ways the said streams and rivers may be made of most value to the State and to the people thereof.

§ 7. The said Board shall preserve all evidence which it may take with reference to conserving the forest and the water supply of the State and the methods best adapted to accomplish those objects and it shall make report of its doings, conclusions and recommendations to each session of the General Assembly, and, from time to time, publish, in a popular manner, and print for popular distribution, in bulletin or other form, such of its conclusions and recommendations as may be of immediate public interest.

§ 8. For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the said State Board of Forestry, upon the recommendation of the State Forester, may cause to be designated and appraise so much of the dead, matured or large growth of trees found upon the forest reservations of the State as may be compatible with the utilization of the forests thereon and may sell the same for not less than the appraised value thereof. When the appraised value of the trees to be sold is more than $1,000.00, the said Board, before making sale thereof, shall receive bids therefor after notice by publication once a week for four weeks in two newspapers of general circulation, but said Board shall have the right to reject any and all bids and to re-advertise for bids. The proceeds arising from the sale of the timber and trees so sold shall be paid into the State Treasury and shall be held as a special fund for the purpose of assisting in defraying the necessary expenses of protecting and improving the forest reservation of the State, or for the purchase of additional lands, and shall be paid out in like manner as money appropriated for the use of said Board.

§ 9. The said Board acting as a Forestry Commission is hereby empowered to make and execute contracts and leases, in the name of

the Commonwealth, for the removal of mining of gas, oil or any valuable minerals that may be found in said forestry reservations whenever it shall be made to appear to said Board that it would be for the best interest of the Commonwealth to make such disposition of such gas, oil or minerals, but before a contract or lease is made the same shall be approved by the Governor of the State and bids therefor shall be received after notice by publication once a week for four weeks in two newspapers of general circulation. The said Board shall have the right to reject any or all bids and to re-advertise for bids. The accepted bidder shall give bond with good and sufficient surety to the satisfaction of said Board and in such amount as it may fix for the faithful performance on his part of all the conditions and covenants of said contract or lease. The proceeds arising from any such contract or lease shall be paid into the State Treasury to be held and used for the same purposes as the proceeds from the sale of trees and timber and be paid out in like manner.

§ 10. When lands have been acquired by the Commonwealth for forestry purposes, however the same may have been acquired, they shall not thereafter be subject to warrant, survey or patent.

§ 11. The Governor of the State shall be the Chairman and presiding officer of the said State Board of Forestry, but when he is absent, the said Board may elect one of its members as Chairman pro tem.

§ 12. The State Board shall keep a full and accurate account of its receipts and expenditures in regular books of account and it shall preserve, number in their chronological order and file all vouchers for payments made by it.

It shall make a full and accurate and complete report to each session of the General Assembly showing in detail its receipts from all sources and its expenditures and the purposes for which expenditures have been made.

§ 13. To aid in the performance of its duties, the said Board shall have the power to employ a Secretary, who shall be a bookkeeper, for such term as it may fix, at a salary not exceeding $1,500 per annum and to prescribe the duties which he shall perform.

The said Secretary shall certify to all expenditures of the said Board to the Chairman thereof who in turn shall certify them to the Governor for his approval and upon his approval he shall authorize the Auditor of Public Accounts to draw his warrant upon the State Treasurer for the amount thereof.

The said Board shall also have the power to employ a civil engineer and surveyor from time to time with his necessary assistants whenever the necessities of the case may require.

§ 14. Subject to the direction of the said State Board of Forestry, the State Forester shall, whenever he may be directed so to do by the said Board, co-operate with counties, municipalities, corporations and individuals in preparing plans for the protection, management and replacement of trees, woodlots and timber tracts under an agreement that the parties obtaining such assistance shall pay the field and traveling expenses of the men employed in preparing said plans.

§ 15. The said State Board of Forestry, by and through the State Forester, and subject to the rules and regulations of said Board, may establish and maintain a nursery or nurseries for the propagation of forest tree seedlings either upon one or more of the forest reservations of the State or upon such other land as the said Board may and which it is hereby empowered to acquire for that purpose. Seedlings from this nursery shall be furnished to the Commonwealth without expense for use upon its forest reservations or other public grounds or parks. Seeds and seedlings may also be distributed to land owners and citizens of this Commonwealth under and subject to such rules and regulations as may be established by said Board.

§ 16. The State Forester, subject to the rules and regulations of the said State Board of Forestry, shall have the supervision and direction of all forest interests and of all matters pertaining to forestry within the State; he shall have charge of all forest wardens who may be appointed by the said Board and the appointment of, direction and superintendence of the persons and laborers whom the said Board may deem it necessary to employ to perform labor in the forest reservations or the nurseries herein provided for, and aid and direct them in their work; he shall take such action as is authorized by law to prevent and extinguish forest fires; enforce all laws pertaining to forest and wood land; prosecute any violation of such laws; collect information relative to forest destruction and conditions; direct the protection and improvement of all forest reservations; make the investigation required by Section 6 of this act with reference to the streams and navigable rivers within and bordering upon the State and report in writing with regard thereto to the said State Board of Forestry; co-operate with land owners as provided in Section 7, of this act; and, as far as his duties as State Forester will permit, carry on an educational course of lectures on Forestry at Farmers' Institutes and similar meetings within the State.

He shall also recommend to said Board and prepare for its use, plans for improving the State system of forest protection, management and replacement and prepare for said Board annually and also whenever required so to do by said Board, a report on the progress and conditions of the State Forest Work.

§ 17. The State Forester shall furnish notices, printed in large letters on cloth, calling attention to the dangers of forest fires, and to trespass laws and their penalties, and to the rules and regulations of the State Forestry Board, which notices shall be distributed by the State Forester to forest wardens and posted by them in conspicuous places upon State forest reserves and along the highways in forest covered counties.

§ 18. The salary of the State Forester shall be fixed by the State Forestry Board and shall not exceed $2,000.00 per annum and reasonable traveling and field expenses incurred in the performance of his official duties.

§ 19. Whenever the State Board of Forestry considers it necessary it may apply to the Governor to commission such persons as it may designate to act as forest wardens of this State, to enforce the forest laws and to carry out all the purposes of this act, but they shall be subject to removal at any time at the pleasure of the State Board of Forestry. Such wardens shall receive such compensation from time to time as the State Board of Forestry may allow them for special services actually rendered, not exceeding $2.00 per day for each day of service. Forest wardens thus appointed shall, before entering upon the duties of their office, take the proper official oath before the Clerk of the Court of the County in which they reside; after which they shall, while holding said office, possess and exercise all the authority and power held and exercised by constables at common law and under the Statutes of this State, so far as arresting and prosecuting persons for violations of any of the laws or rules and regulations enacted or made or to be enacted or made for the protection of the State Forest Reserves, or for the protection of the fish and game contained therein, are concerned.

§ 20. It shall be the duty of the forest wardens to enforce all forest laws of this State; to protect the State forest reserves and see that all rules, regulations and laws are enforced; to report any violation of the law to the State Forester at the time of its occurrence; to assist in apprehending and convicting offenders, and to make an annual report to him as to forest conditions in their immediate neighborhood. When any forest warden shall see or have reported to him a forest fire, it shall be his duty to immediately repair to the scene of the fire and employ such persons and means as in his judg-

ment seem expedient and necessary to extinguish said fire. He shall keep an itemized account of all expenses thus incurred and send such account immediately to the State Forester.

§ 21. The Fiscal Courts or Boards of County Commissioners of the several counties of this State are hereby authorized to levy and appropriate money for purposes of forest protection, improvement and management; and said Fiscal Courts and Boards shall have recourse under an action at law for debt against any land owner, individual or corporation on whose account they shall have been obliged to pay out money for fighting fire for the amount which they shall have expended for such purpose.

§ 22. Whoever violates any rule or regulation for the government or use of any State reservation, park, or road or boulevard traversing the same under authority of law by any board or officer in charge thereof, shall, for such offense, be punished by a fine of not less than five dollars nor more than fifty dollars, and if the person so fined neglects or refuses to pay same he shall be committed to the jail of the county there to remain until such fine be paid, but not longer than one day for each and every two dollars of the fine imposed.

§ 23. Any person or persons who shall kindle fires upon any of the forestry reservation of this Commonwealth, except in accordance with such rules and regulations as may be prescribed by the said State Board of Forestry, or who shall cut and remove any timber whatever or who shall do or cause to be done any act that will damage forest lands or timber belonging to the Commonwealth, shall be guilty of a misdemeanor and upon conviction thereof be subject to a penalty not exceeding five hundred dollars ($500.00) for each offense committed with costs of suit. If the defendant or defendants neglect or refuse to pay the penalty and costs imposed, he or they shall be committed to the jail of the county there to remain until such penalty and costs are

paid, but no longer than one day for each and every two dollars of the fine and costs imposed.

§ 24. It shall be unlawful for any persons or corporation, as land owner, to set, or procure another to set fire to any woods, brush, logs, leaves, grass or clearing upon their own land, unless they shall have previously taken all possible care and precaution against the spread of such fire to other lands not their own, by previously having cut and piled the same, or carefully cleared around the land which is to be burned, so as to prevent the spread of such fire. The setting of fire contrary to the provisions of this section, or allowing it to escape to the injury of adjoining lands, shall be *prima facie* proof of wilfulness or neglect, and the land owner from whose land the fire originated shall be liable in a civil action for damages for the injury resulting from such fire, and also for the cost of fighting and extinguishing the same.

§ 25. Logging and railroad locomotives, donkey or threshing engines, and other engines and boilers, operated in, through or near forest or bush, which do not burn oil as fuel, shall be provided with appliances to prevent as far as may be possible the escape of fire and sparks from the smokestacks thereof and with devices to prevent as far as may be possible the escape of fire from ash pans and fire boxes. Failure to comply with these requirements shall be a misdemeanor punishable, upon conviction, by a fine of not less than $10 nor more than $100 for each and every offense committed.

§ 26. All individuals and corporations causing fires by violation of any of the provisions of this act shall be liable to the State, and to the county in which the fire occurred for all damages the State or the county may sustain by such fire or fires and in addition thereto to the full amount of all expenses incurred by the State or county in fighting or extinguishing said fire.

§ 27. Justices of the peace for this State, in the county wherein the offense shall have been committed, shall have the jurisdiction to hear and determine all prosecutions for the purposes of enforcing fines and penalties, collectable under the provisions of this act, not exceeding the amount of $100.00 and of holding the offender, under proper bail if necessary, for hearing before the Circuit Court, and committing him to the county jail until such hearing if the required bail is not furnished. It shall be the duty of the Commonwealth and County attorneys of the several counties and Circuit Court Districts to prosecute all violators of this act.

§ 28. All money received as penalties for violations of the provisions of this act, less the cost of collection and not otherwise provided for, together with any amount obtained from the State Forest Reserves, shall be paid into the State Treasury to the credit of the forest reserve fund, which fund is hereby created; and the moneys in said fund are hereby appropriated for purposes of forest protection, management, replacement and extension, under the direction of the State Board of Forestry.

§ 29. The members of said State Forestry Board other than the Governor shall, each, receive for their services in attendance upon the meetings of said Board or of any Committee thereof the sum of five dollars per day for each day's attendance, provided that the total amount to be paid to each of them in any one year shall not exceed one hundred dollars, and, in addition thereto, they shall be reimbursed for all necessary expenses incurred by them in the performance of the duties of their office.

§ 30. The said State Board of Forestry shall have assigned for its use a room in the State Capitol and shall be provided with furniture, stationery and supplies necessary for its use.

§ 31. For the purpose of carrying out the provisions of the act the sum of $20,000 per annum is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the use of the said State Board of Forestry.

§ 32. The State Board of Forestry may expend annually out of the appropriation for its use a sum not exceeding $3,000 to be used in co-operative work with the Forestry Department of the United States Government under such terms as the said State Board may deem advantageous to the State, provided a like sum is furnished for said purpose by said Government, but the use of this amount or any part of it for this purpose is not obligatory upon the said State Board, unless in its judgment, the State will profit thereby.

§ 33. Section 9 of Chapter 90 of the Acts, 1906, and all laws or parts of laws in conflict with this act, are to the extent of such conflict, hereby repealed.

The question being taken on ordering said bill to a reading the opinion of the Committee to the contrary notwithstanding it was decidded in the negative.

The yeas and nays being required thereon by Messrs. Craig and Brown were as follows, viz:

Those who voted in the affirmative were—

T. M. Bertram,	Samuel D. Hines,	W. Price,
J. O. Bogie,	R. Dillard Hunter,	Geo. W. Reid,
O. Houston Brooks,	S. B. Johnson,	Samuel L. Robertson,
L. H. Carter,	W. G. Keen,	W. H. Shanks,
Sidney G. Clay,	Wm. F. Klair,	W. Logan Shearer,
J. R. Claypool,	Don G. McVean,	John S. Steers,
M. G. Colson,	Frank S. Moore,	Geo. C. Waggoner,
Albert J. Counts,	H. J. Meyers,	Edward A. Weber,

Peter J. Cosgrove,	Ben E. Niles,	W. F. Welch,
C. F. Crecelius,	W. H. Newell,	W. R. Whitlow,
Chas. W. Fulton,	J. W. Perry.	L. F. Withers,
F. E. Graves,	W. V. Perry,	J. R. Zimmerman,
Robt. L. Harris,	Marion F. Pogue,	—38

Those who voted in the negative were—

R. H. Akin,	L. B. Herrington,	A. H. Points,
W. D. Allbright,	John W. Holland,	J. F. Porter,
J. W. Berkshire,	W. T. Kenton,	L. R. Ray,
P. W. Berkshire,	O. M. Kelsey,	R. A. Read,
Frank J. Brown,	J. H. Lackey,	G T Reynolds,
J. T. Buford,	Hugh Mahin.	H. T. Rich,
Z. T. Coleman,	J. H. McWaters,	J. T. Riherd,
S. F. Crabtree,	R. H. Moss,	Farris Roberts, Jr.,
W. L. Craig,	L. C. Owings,	S. C. Roberts,
W. B. Creekmore,	S. P. Parks,	J. J. Taylor,
Wm. S. Dean,	C. C. Patrick,	E. E. Trivette,
H. C. Duffy,	John C. Pirtle,	J. W. Turner,
G. G. Frazier,	W. F. Pitman,	J. H. Williams,
H. T. Gartin,	G. H. Plitt,	—42

An so said bill was disagreed to.

Mr. Craig moved to reconsider the vote by which the House refused to order said bill to a reading and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled, H. B. 521. An Act to amend Chapter 52, Article 1, Section 1840 Carroll's Kentucky Statutes, 1909.

Together with an amendment thereto by way of substitute therefor proposed by the Committee on Municipalities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 52, Article 1, Section 1840, Carroll's 1909 Kentucky Statutes, be and the same is hereby amended so as to read as follows, to-wit:

"The Fiscal Court shall have jurisdiction to appropriate county funds authorized by law to be appropriated; to erect and keep in repair necessary public buildings; secure a sufficient jail and a comfortable and convenient place for holding court at the county seat; to erect and keep in repair bridges and other structures and superintend the same; to regulate and control the fiscal affairs and property of the county; to make provisions for the maintenance of the poor and provide a poor house and farm and provide for the care, treatment and maintenance of the sick and poor, and provide a hospital for said purpose, or contract with any hospital in the county to do so, and provide for the good condition of the highways in the county, and to appropriate county funds to make provision to secure immigration into the county, and to advertise the resources of the county, and to appropriate county funds for the benefit of colleges and for infirmaries for the sick located in the county, and to execute all of its orders consistent with the law and within its jurisdiction, and shall have jurisdiction of all such other matters relating to the levying of taxes as is by any special act now conferred on the County Court of levy and claim, and the said court shall have power to borrow money and issue the county's warrants payable therefor, bearing interest not exceeding six per cent from the date of their issue, in anticipation of the collection of county revenue for the year in which said warrants are issued, but the amount which a county is hereby authorized to borrow shall at no time excceed sixty per cent of the revenue reasonably expected to be derived from the tax levy for the

year in which said warrants are issued, and the money borrowed upon said warrants shall only be used to pay current and necessary expenses of the county for the year in which they may be issued, and shall be repaid out of the funds received for the year in which they were issued in anticipation of collection of county revenue."

The substitute as proposed to said bill as proposed by said Committee is as follows, viz:

AN ACT to amend Chapter 52, Article 1, Section 1840 of Carroll's Kentucky Statutes 1909.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That Chapter 52, Article 1, Section 1840, of Carroll's 1909 Kentucky statutes, be and the same is hereby amended so as to read as follows, to-wit:

"The Fiscal Court shall have jurisdiction to appropriate county funds, authorized by law to be appropriated; to erect and keep in repair necessary public buildings; secure a sufficient jail and a comfortable and convenient place for holding court at the county seat; to erect and keep in repair bridges and other structures and superintend the same; to regulate and control the fiscal affairs and property of the county; to make provisions for the maintenance of the poor and provide a poor house and farm and provide for the care, treatment and maintenance of the sick and poor, and provide a hospital for said purpose, or contract with any hospital in the county to do so, and provide for the good condition of the highways in the county, and to appropriate county funds to make provision to secure immigration into the county, and to advertise the resources of the county, and to appropriate county funds for the benefit of colleges and for infirmaries for the sick located in the county, and to execute all of its

orders consistent with the law and within its jurisdiction, and shall have jurisdiction of all such other matters relating to the levying of taxes as is by any special act now conferred on the County Court of levy and claims; and whereas the Fiscal Courts of the counties of the State have heretofore borrowed money and issued county warrants, bearing six per cent interest from their date in anticipation of the income and revenue for the purpose of paying current expenses and existing indebtedness under and in accordance with the power heretofore given to regulate and control the fiscal affairs of the county, and whereas there is frequently a deficit caused by the failure to collect the full amount of taxes levied for any current year, the Fiscal Courts of any county shall under said power have no authority to borrow in any current year any sum of money in excess of sixty per cent of the revenue provided by the tax levy for any year.

Said substitute was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossad it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

P. W. Berkshire,	F. E. Graves,	J. F. Porter,
T. M. Bertram,	L. B. Herrington,	W. Price,
J. O. Bogie,	John W. Holland,	L. R. Ray,
O. Houston Brooks,	R. Dillard Hunter,	R. A. Read,
Frank J. Brown,	W. T. Kenton,	Geo. W. Reid,
J. T. Buford,	O. M. Kelsey,	G T Reynolds,

S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
H. T. Gartin,
Wm. F. Klair,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
W. H. Shanks,
W. Logan Shearer,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Resolved that the title thereof be as aforesaid.

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

H. B. 347. An act to regulate the establishment of Industrial Schools.

S. B. 25. An act to amend Section 2054, Chapter 63 of the Kentucky Statutes relating to the State Board of Health.

S. B. 91. An act to amend an act entitled "An act in relation to the control, management and operation of water works in cities of the First Class approved March 6, 1906, and being Section 3024 of the Kentucky Statutes.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found

to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 448. An act to repeal the charter of the town of Rosewood in Muhlenburg County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to revise and reduce into one charter and various amendments thereto of the town of Rosewood, in Muhlenberg County, be, and the same is hereby repealed in its entirety.

§ 2. That any public money remaining in the Treasury of said town, when this goes into effect shall be turned over to the Treasurer of the county of Muhlenberg and applied by the Fiscal Court of the county for repairing of the public roads or turnpikes of said county.

§ 3. That this act shall be in full force and effect from and after its passage.

Ordered tnat said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	R. Dillard Hunter,	L. R. Ray,
P. W. Berkshire,	W. G. Keen,	R. A. Read,
O. Houston Brooks,	W. T. Kenton,	Geo. W. Reid,
Frank J. Brown,	O. M. Kelsey,	J. T. Riherd,
J. T. Buford,	Wm. F. Klair,	Farris Roberts, Jr.,
L. H. Carter,	J. H. Lackey,	S. C. Roberts,
Henry Chunn,	J. H. McWaters,	Samuel L. Robertson,
Z. T. Coleman,	Frank S. Moore,	S. M. Russell,
M. G. Colson,	R. H. Moss,	W. H. Shanks,
Peter J. Cosgrove,	H. J. Meyers,	W. Logan Shearer,
S. F. Crabtree,	Ben E. Niles,	John S. Steers,
W. L. Craig,	L. C. Owings,	J. J. Taylor,
C. F. Crecelius,	C. C. Patrick,	E. E. Trivette,
W. B. Creekmore,	W. V. Perry,	J. W. Turner,
Wm. S. Dean,	John C. Pirtle,	Geo. C. Waggoner,
H. C. Duffy,	W. F. Pitman,	Edward A. Weber,
G. G. Frazier,	G. H. Plitt,	W. F. Welch,
Chas. W. Fulton,	Marion F. Pogue,	W. R. Whitlow,
H. T. Gartin,	A. H. Points,	J. H. Williams,
F. E. Graves,	J. F. Porter,	L. F. Withers,
L. B. Herrington,	W. Price,	J. R. Zimmerman,
John W. Holland,		—64

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 373. An act to provide for the appointment of Trustees for county academies and seminaries.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the number of the trustees of any county academy or seminary, heretofore created by Act of the General Assembly of the Commonwealth of Kentucky, has been reduced by death, resignation, or otherwise, to less than a quorum, the County Court of the county for which such academy or seminary was created, shall have authority, and it shall be its duty, to fill said vacancies by appointing trustees for such academy or seminary. The trustees so appointed shall have the authority heretofore conferred, or that may be hereafter conferred, upon trustees of such academy or seminary.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	A. H. Points,
P. W. Berkshire,	R. C. Hill,	J. F. Porter,
T. M. Bertram,	Samuel D. Hines,	W. Price,
J. O. Bogie,	John W. Holland,	L. R. Ray,
O. Houston Brooks,	R. Dillard Hunter,	R. A. Read,
Frank J. Brown,	S. B. Johnson,	Geo. W. Reid,
J. T. Buford,	W. T. Kenton,	G T Reynolds,
L. H. Carter,	O. M. Kelsey,	J. T. Riherd,
J. P. Chinn,	Wm. F. Klair,	Farris Roberts, Jr.,
J. R. Claypool,	J. H. Lackey,	S. C. Roberts,
Z. A. Clore,	H. L. Lewis,	Samuel L. Robertson,
Z. T. Coleman,	Hugh Mahin,	W. H. Shanks,
M. G. Colson,	J. H. McWaters,	W. Logan Shearer,
Albert J. Counts,	Don G. McVean,	John S. Steers,
Peter J. Cosgrove,	R. H. Moss,	J. J. Taylor,
S. F. Crabtree,	H. J. Meyers,	E. E. Trivette,
C. F. Crecelius,	L. C. Owings,	J. W. Turner,
W. B. Creekmore,	S. P. Parks,	Geo. C. Waggoner,
H. C. Duffy,	J. W. Perry,	Edward A. Weber,
G. G. Frazier,	W. V. Perry,	Edward A. Weber,
Chas. W. Fulton,	John C. Pirtle,	W. R. Whitlow,
H. T. Gartin,	W. F. Pitman,	J. H. Williams,
F. E. Graves,	G. H. Plitt,	L. F. Withers,
Robt. L. Harris,	Marion F. Pogue,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The Chief Clerk of this House reported that on yesterday, March 2d, he went to the office of the Governor at 5.30 o'clock p. m. and again at 8.10 o'clock p. m. for the purpose of delivering to him the enrolled copy of a bill entitled,

H. B. 231. An act to revise and amend an act entitled "An act to amend Sections 124 and 125 of an act entitled 'An act for the government of cities of the First Class, approved July 1, 1893,'" approved March 21, 1902, Section 1 of said act being Sections 2909 and 2910 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1903.

That at each of said times he found the office of the Governor and also the office of the Private Secretary of the Governor both closed and locked and that he was unable to deliver same to the Governor or his Private Secretary on that account.

That he did on this day at 9.25 o'clock a. m. deliver the enrolled copy of said bill to the Governor.

The hour of 5:30 o'clock p. m. having arrived, the House adjourned.

FRIDAY, MARCH 4, 1910.

The House was opened with prayer by the Rev. J. S. Sims of the Methodist Episcopal Church South.

The reading of the journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had concurred in an amendment by way of substitute adopted by the House of Representatives to a bill which originated in the Senate entitled,

S. B. 38. An act to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903, to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the Penitentiaries, Houses of Reform and State Reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole and to that end for the appointment of an employment agent, define his duties and fix his compensation and further provide for the final discharge by the said Board of paroled prisoners who shall have been obedient to the terms of their paroles.

And that they had passed said bill as amended.

That they had adopted a joint resolution entitled,

S. Res. 16. Resolution appropriating $500.00 for the families of miners who lost their lives in mine explosion at Browder mine, Muhlenberg County.

Said resolution was ordered to be printed and referred to the Committee on Appropriations.

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. 5. An act to amend Sections 2622, 2623, 2625, 2627 and 2628 of the Kentucky Statutes of 1903 compiled by John D. Carroll.

H. B. 481. An act authorizing electric and power companies, partnerships or individuals engaged in the business of producing or supplying electricity for the purposes of furnishing light, heat or power to the public to contract for rights of way through, across and along the public roads, turnpikes and through, over and across the lands of private persons and to acquire lands necessary for power houses, sub-stations and other buildings and to condemn such rights of way or such lands when the same are not secured by contract.

H. B. 392. An act to amend Section 8 of an act, of the General Assembly approved March 24, 1908, for the government and regulation of the common schools of the State.

S. B. 247. An act providing a penalty for the mistreatment of animals and for the destruction of animals to prevent suffering.

H. B. 297. An act providing that the names of candidates put on a ballot by petition shal be placed under the device of a political party entitled to nominate by primary or convention.

S. B. 225. An act to amend an act entitled "An act relating to revenue and taxation," approved March 15, 1906, and abolishing the offices of revenue agents for the State at large provided for therein.

H. B. 523. An act to require owners of stock living on islands of the Mississippi River within the jurisdiction of Kentucky to keep up river stock.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles and ordered to be placed in the Orders of the Day.

At the instance of the Committee on Rules

The committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Klair of the Committee on Municipalities.

S. B. 40. An act to amend Section 1884 of Chapter 52 of the Kentucky Statutes, Carroll's Edition of 1909 entitled Fiscal Courts.

By Mr. Huffaker of the Committee on Codes of Practice.

S. B. 53. An act amending Section 74, Title 5, of the Civil Code of Practice.

By same:

S. B. 92. An act regarding libel and the civil proceedings thereunder.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

Mr. Fulton of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bill of the following title, viz:

S. B. 129. An act to amend the school laws and to create Boards of Education and to define their duties in cities of the First Class.

Whereupon all other business was suspended, said bill was read at length and compared in open House, and was found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

At the instance of the Committee on Rules

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 79. An act providing for the destruction of the carcases of swine dying from cholera or other diseases.

Together with the amendment heretofore offered thereto by the Committee on Agriculture.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases where any pig, shoat or hog shall die of the disease commonly called "hog cholera," or any other disease, it shall be the duty of the owner or owners of such pig, shoat or hog, or the person or persons having the care or custody of the same having knowledge of the fact or upon receiving notice thereof, to cause the carcass of same to be burned within twelve hours or securely buried two and one-half feet deep.

§2. Any person or persons failing and refusing to comply with the above provisions shall be deemed guilty of a misdemeanor and upon the conviction thereof shall be fined in a sum not less than ten nor more than fifty dollars.

The amendment proposed thereto by said Committee is as follows, viz:

Amend last line of Section 1 by inserting the word "one" between the words "and" and "half."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. H. Francies,	R. A. Read,
W. D. Allbright,	G. G. Frazier,	Geo. W. Reid,
J. W. Berkshire,	H. T. Gartin,	G T Reynolds,
P. W. Berkshire,	T. D. Graham,	H. T. Rich,
Eli Berry,	F. E. Graves,	J. F. Richardson,
J. O. Bogie,	Robt. L. Harris,	J. T. Riherd,
O. Houston Brooks,	L. B. Herrington,	Farris Roberts, Jr.,
Frank J. Brown,	R. C. Hill,	S. C. Roberts,
J. T. Buford,	O. M. Kelsey,	Samuel L. Robertson,
S. M. Carson,	Wm. F. Klair,	S. M. Russell,
L. H. Carter,	J. H. Lackey,	H. A. Schoberth,
W. C. Caudill,	H. L. Lewis,	S. A. Shanklin,
J. P. Chinn,	L. C. Littrell,	W. H. Shanks,

Henry Chunn,	J. H. McWaters,	W. Logan Shearer,
Sidney G. Clay,	H. J. Meyers,	W. H. Southall, Jr.,
J. R. Claypool,	L. C. Owings,	John S. Steers,
Z. A. Clore,	S. P. Parks,	J. J. Taylor,
Z. T. Coleman,	J. W. Perry,	E. E. Trivette,
M. G. Colson,	W. F. Pitman,	Geo. C. Waggoner,
S. F. Crabtree,	G. H. Plitt,	W. R. Whitlow,
W. L. Craig,	Marion F. Pogue,	J. H. Williams,
C. F. Crecelius,	A. H. Points,	L. F. Withers,
W. B. Creekmore,	W. Price,	J. R. Zimmerman,
H. C. Duffy,	L. R. Ray,	—71

Resolved that the title thereof be as aforesaid.

Mr. Owings moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 170. An act to authorize the judge of the Franklin Circuit Court to appoint a Commissioner of the State Fiscal Court.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Judge of the Franklin Circuit Court is hereby authorized to appoint a Commissioner of the State Fiscal Court who shall hold office at the pleasure of the court and shall discharge such duties as may be assigned him by the court. The Commissioner must possess the qualifications of the Circuit Judge and he shall be

compensated for his services at the rate of not exceeding eight dollars per day for such days as he shall actually sit as said Commissioner, the same to be allowed him by the Judge of the court and to be taxed as costs and paid as other costs in the case are paid. When the business of the court does not require him the court may terminate the apointment of said Commissioner.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

P. W. Berkshire,
Eli Berry,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
H. T. Gartin,
T. D. Graham,
F. E. Graves.
L. B. Herrington,
R. C. Hill,
John W. Holland,
R. Dillard Hunter,
W. G. Keen,
Wm. F. Klair,
Hugh Mahin
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
L. C. Owings,
J. W. Perry,
W F. Pitman,
A. H. Points,
W. Price,
Geo. W. Reid,
G T Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.
John S. Stears,
Geo. C. Waggoner,
Edward A. Weber,
L. F. Withers, 54

Those who voted in the negative were—

R. H. Akin,	Robt. L. Harris,	J. F. Porter,
W. D. Allbright,	O. M. Kelsey,	L. R. Ray,
T. M. Bertram,	J. H. Lackey,	Geo. W. Reid,
Henry Chunn,	H. L. Lewis,	Farris Roberts, Jr.,
Albert J. Counts,	Ben E. Niles,	J. J. Taylor,
Wm. S. Dean,	S. P. Parks,	W. F. Welch,
L. H. Francies,	C. C. Patrick,	J. H. Williams,
G. G. Frazier,	G. H. Plitt,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 354. An act for the benefit of the Home for Incurables.

Together with the amendment heretofore proposed to said bill by the Committee on Charitable Institutions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of Ten Thousand Dollars per annum, payable annually, for the benefit of the Home for Incurables, and the Auditor of Public Accounts be, and he is hereby

authorized and directed to draw his warrants upon the Treasurer annually in favor of the Treasurer of the Home for Incurables for the sum of Ten Thousand Dollars. Provided that no part of said appropriation shall be paid unless there has been executed on the part of the said Home for Incurables a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of said sums of money so appropriated shall be applied to the purposes of the charter of said Home for Incurables; that is, to provide a home for persons who are residents of the State of Kentucky who are afflicted with an incurable, physical disability or disease, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts, and kept as a record in his office. If any part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury. Said Home for Incurables shall, by its proper officers, make an annual verified statement and settlement with the Auditor of Public Accounts, showing when, where and how said funds and appropriations have been applied and disbursed.

§ 2. That said Auditor is authorized and directed to draw his warrants upon the Treasurer in favor of the Treasurer of the Home for Incurables on the first day of June, 1910, and annually on the same day and date thereafter for the sum of Ten Thousand Dollars.

The amendment proposed to said bill by said Committee is as follows, viz:

Amend by adding after the word "disease" in line 17, Section 1, the following words "and have no means of support."

Said amendment was agreed to.

Mr. Fulton offered the following amendment to said bill:

Amend Section 1 by striking from said Section the words in line 2 and 7 "ten thousand dollars" and inserting in lieu thereof the words "five thousand dollars," and amend Section 2, line 4 by striking therefrom the words "ten thousand dollars" and inserting in lieu thereof the words "five thousand dollars."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Fulton and McWaters were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	T. D. Graham,	J. F. Porter,
P. W. Berkshire,	S. B. Johnson,	W. Price,
T. M. Bertram,	H. L. Lewis,	R. A. Read,
Frank J. Brown,	J. H. McWaters,	G. T. Reynolds,
W. B. Creekmore,	Ben E. Niles,	H. T. Rich,
Wm. S. Dean,	C. C. Patrick,	J. T. Riherd,
H. C. Duffy,	J. W. Perry,	S. C. Roberts,
G. G. Frazier,	John C. Pirtle,	J. J. Taylor,
Chas. W. Fulton,	W. F. Pitman,	

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Those who voted in the negative were—

Eli Berry,	Hite Huffaker,	L. R. Ray,
J. O. Bogie,	R. Dillard Hunter,	Geo. W. Reid,
J. T. Buford,	W. G. Keen,	Samuel L. Robertson,
J. P. Chinn,	O. M. Kelsey,	S. M. Russell,
Sidney G. Clay,	Wm. F. Klair,	H. A. Schoberth,
J. R. Claypool,	J. H. Lackey,	W. H. Shanks,
Z. A. Clore,	Hugh Mahin.	W. Logan Shearer,
Z. T. Coleman,	Don G. McVean,	W. H. Southall, Jr.,
Peter J. Cosgrove,	R. H. Moss,	John S. Steers,
S. F. Crabtree,	H. J. Meyers,	E. E. Trivette,
C. F. Crecelius,	W. H. Newell,	Geo. C. Waggoner,

L. H. Francies,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Robt. C. Hill,
Samuel D. Hines,
John W. Holland,
L. C. Owings,
S. P. Parks,
W. V. Perry,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
R. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
W. Price,
L. R. Ray,
Geo. W. Reid,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Stears,
E. E. Trivette,
Geo. C. Waggoner,

C. F. Crecelius,	W. H. Newell,	Edward A. Weber,
W. B. Creekmore,	L. C. Owings,	W. R. Whitlow,
H. C. Duffy,	S. P. Parks,	J. H. Williams,
L. H. Francies,	W. V. Perry,	L. F. Withers,
G. G. Frazier,	W. F. Pitman,	J. R. Zimmerman,

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Those who voted in the negative were—

M. G. Colson,	R. A. Read,	Farris Roberts, Jr.,
Chas. W. Fulton,	G. T. Reynolds,	J. J. Taylor,
C. C. Patrick,	H. T. Rich,	W. F. Welch, —10

Mr. Schoberth moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 139. An act to require dental hygiene to be taught in all schools supported in whole or in part by the State.

Together with the amendment heretofore proposed thereto by the Committee on Education No. 1.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, Dental Hygiene shall be taught as thoroughly as other required studies, to all pupils studying physiology, in all schools supported wholly or in part by the State. The text-book used in teaching said subject

shall be selected from a list of said books approved or endorsed by the Kentucky State Dental Association, as a book meeting the requirements for the proper study of Dental Hygiene by pupils of the schools of this State, and the price of said book shall not exceed or be greater than thirty cents for each book.

§ 2. This act shall take effect from and after its passage.

The amendment to said bill by the said Committee is as follows, viz:

Amend by inserting the following as Sections 2 and 3.

§ 2. That the same general requirements for teaching of the other branches of the public schools of this Commonwealth shall apply in the teaching of dental hygiene as part of the course of physiology and the same shall be one of the required subjects under said course and the teachers examination shall be credited with twenty per cent on said course.

§ 3. Within three months after this act becomes a law the State and County Text Book Commission shall proceed in the same manner as text books are adopted for this Commonwealth to select, adopt and contract for a suitable text book on dental hygiene and by the usual proclamation to direct the use of such book in the schools of this Commonwealth from and after the opening of the school term in the year 1910, provided that the adoption of said book and contract for same shall be for no longer term than four years from July 15, 1910, and thereafter a suitable book on dental hygiene as a separate book or as part of a text book on physiology shall be adopted at the same time and in the same manner and for the same period as other text books are adopted and for the same period of time as other books are adopted.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	W. V. Perry,
W. D. Allbright,	F. E. Graves,	John C. Pirtle,
J. W. Berkshire,	L. B. Herrington,	G. H. Plitt,
P. W. Berkshire,	R. C. Hill,	Marion F. Pogue,
Eli Berry,	Samuel D. Hines,	Geo. W. Reid,
J. O. Bogie,	John W. Holland,	H. T. Rich,
O. Houston Brooks,	Hite Huffaker,	J. F. Richardson,
Frank J. Brown,	R. Dillard Hunter,	J. T. Riherd,
J. T. Buford,	O. M. Kelsey,	S. C. Roberts,
L. H. Carter,	Wm. F. Klair,	Samuel L. Robertson,
J. P. Chinn,	J. H. Lackey,	S. M. Russell,
Sidney G. Clay,	H. L. Lewis,	H. A. Schoberth,
J. R. Claypool,	J. H. McWaters,	S. A. Shanklin,
Z. A. Clore,	Don G. McVean,	W. H. Shanks,
Z. T. Coleman,	H. J. Meyers,	W. Logan Shearer,
M. G. Colson,	Ben E. Niles,	W. H. Southall, Jr.,
Peter J. Cosgrove,	W. H. Newell,	John S. Stears,
S. F. Crabtree,	L. C. Owings,	Geo. C. Waggoner,
W. L. Craig,	S. P. Parks,	Edward A. Weber,
C. F. Crecelius,	J. W. Perry,	W. R. Whitlow,

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Those who voted in the negative were—

Wm. S. Dean,	L. R. Ray,	J. J. Taylor,
H. C. Duffy,	R. A. Read,	J. H. Williams,
Robt. L. Harris,	G. T. Reynolds,	J. R. Zimmerman,
C. C. Patrick,	Farris Roberts, Jr.,	

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At 1:30 o'clock p. m. the House adjourned until 3:30 o'clock p. m.

AFTERNOON SESSION.

At 3:30 o'clock p. m. the House met pursuant to adjournment.

Mr. Buford of the Committee on Rules offered the following resolution, viz:

Resolved that the sum of forty-five dollars is hereby allowed with which to pay the expenses of the Committee of Confederate Home on its visit to inspect the Confederate Home at Pewee Valley. The said amount to be paid to C. W. Longmire, Sergeant-at-Arms of the House, who is directed to disburse same and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for said amount in favor of said C. W. Longmire, Sergeant-at-Arms of the House, the same to be charged to and paid as a necessary contingent expense of the House and the Clerk of the House is directed to certify this resolution to the Auditor.

Said resolution was agreed to.

Mr. J. W. Perry of the Committee on Mines and Mining presented the response of Mr. C. J. Norwood, Chief Inspector of Mines, to a resolution adopted on a former day of this session.

(For resolution see House Journal February 14.)

Mr. J. W. Perry moved that the public printer be directed to print one hundred copies for the use of the members.

Said motion was agreed to.

At the instance of the Committee on Rules

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 19. An act to amend Chapter 58 of Session Acts 1908 entitled "An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States allowing pharmacists registered in a foreign State to practice pharmacy in the State of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 58 of Session Acts 1908, entitled "An Act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States allowing Pharmacists registered in a foreign State to practice pharmacy in the State of Kentucky," approved March 19, 1908, be amended by striking therefrom section two of said Act, and said Act as amended will read as follows:

"The Kentucky Board of Pharmacy is hereby authorized to exchange certificates of registration with other States allowing registered pharmacists of foreign States to practice pharmacy in this State under such rules and regulation as the Kentucky Board of Pharmacy shall determine."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	R. Dillard Hunter,	Geo. W. Reid,
W. D. Allbright,	W. G. Keen,	J. T. Riherd,
J. W. Berkshire,	O. M. Kelsey,	Farris Roberts, Jr.,
P. W. Berkshire,	Wm. F. Klair,	S. C. Roberts,
T. M. Bertram,	J. H. Lackey,	Samuel L. Robertson,
O. Houston Brooks,	H. L. Lewis,	H. A. Schoberth,
Frank J. Brown,	Don G. McVean,	W. H. Shanks,
J. T. Bnford,	Ben E. Niles,	W. Logan Shearer,
L. H. Carter,	L. C. Owings,	John S. Steers,
W. G. Caudill,	S. P. Parks,	E. E. Trivette,
J. R. Claypool,	C. C. Patrick,	Geo. C. Waggoner,
M. G. Coleson,	John C. Pirtle,	Edward A. Weber,
Peter J. Cosgrove,	W. F. Pitman,	W. F. Welch,
S. F. Crabtree,	G. H. Plitt,	W. R. Whitlow,
C. F. Crecelius,	Marion F. Pogue,	J. H. Williams,
G. G. Frazier,	A. H. Points,	L. F. Withers,
Chas. W. Fulton,	W. Price,	J. R. Zimmerman,
John W. Holland,		—53

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 192. An act creating the County of Wilson.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Wilson be, and the same is hereby created, being a portion of the counties of Pulaski, Wayne and Whitley and the same is bounded as follows:

Beginning at a stone set on the Kentucky and Tennessee State line 11,500 ft. west of Rock Creek and running thence N. 63 E. 2,805 ft. to a stake, N. 12 E. 2,805 ft. to a stake, N. 22 E. 1, 320 ft. to stake, N. 46 E. 2,062 ft. to stake, N. 40 E. 1,815 ft. to stake, N. 72 E. 990 ft. to stake, N. 30 E. 1,650 ft. to stake, N. 75 E. 1,880 ft. to stake, N. 31 E. 1,320 ft. to stake, N. 45 E. 660 ft. to stake, N. 53 E. 990 ft. to stake, S. 43 W. 2,805 ft. to stake, N. 75 W. 577 ft. to stake, N. 43 E. 990 ft. to stake, North 1,650 ft. to stake, N. 75 E. 742 ft. to stake, N. 51 E. 660 ft. to stake, N. 22 E. 990 ft. to stake, N. 42 E. 990 ft. to stake, N. 72 E. 1,320 ft. to stake, N. 2 E. 906 ft. to stake, N. 55 E. 3,135 ft. to stake, N. 4 E. 825 ft. to the Hollow Rock, N. 31 E. 990 ft. to stake, N. 16 E. 1,320 ft. to stake head of Steel Hollow, N. 67 E. 759 ft. to stake, N. 40 E. 4,207 ft. to stake, N. 77 E. 4,290 ft. N. 15 E. 3,465 ft. to stake, in S. L. Dobb's field, N. 34 W. passing the head of Wolf Creek at 2,622 ft. in all 5,445 ft. to stake, N. 22 W. 1,980 ft. to stake at top of the hill, N. 6½ W. leaving the road at A. C. Foster's at 2,640 ft. in all 9,075 ft. to the north of Burk's Branch at the Little South Fork River, thence down said river with its meanderings, when reduced to a straight line N. 15 W. 5,610 ft. to the mouth of Sink Hole Hollow, thence still following the meanderings of said river when reduced to a straight line N. 75 E. 6,600 ft. to the Baker Branch, thence still following the meanderings of said river when reduced to a straight line N. 35 E. 2,640 ft. to the Hiram Vaughn Ford, thence still fol-

lowing the meanderings of said river when reduced to a straight line ———— 2,310 ft. to the head of a long shoal near J. M. Anderson's thence still following the meanderings of said river N. 40 E. 1,650 ft. N. 50 E. 264 S. 72 E. 1,188 ft. N. 24 E. 561 ft. North 548 ft. N. 10 E. 435 ft. N. 54 E. 825 ft. N. 6 E. 1,914 ft. N. 44 E. 330 ft. E. 1,287 ft. N. 17 E. 1,046 ft. to a stake on Shelby Martin's farm, S. 32 E. 726 ft. S. 40 W. 660 ft. S. 71 W. 297 ft. N. 58 W. 198 ft. N. 4 W. 495 ft. N. 40 E. 1,287 ft. N. 30 E. 429 ft. to Ritner Mill, N. 52 E. 363 ft. N. 30 E. 1,023 ft. N. 72 E. 429 ft. S. 45 E. 825 ft. N. 88 E. 264 ft. N. 17 E. 752 ft. N. 55 E. 445 ft. S. 66 E. 1,386 ft. to Roberts' branch, N. 85 E. 1,221 ft. N. 65 E. 363 ft. N. 8 W. 2,112 ft. N. 52 E. 363 ft. N. 59 E. 703 ft. N. 65 E. 330 ft. S. 78 E. 891 ft. S. 85 E. 363 ft. N. 82 E. 759 ft. to Feedam Ford. N. 38 E. 330 ft. N. 15 W. 150 ft. N. 54 W. 1,254 ft. N. 28 W. 1,056 ft. N. 40 W. 1,240 ft. N. 5 W. 330 ft. N. 60 E. 561 ft. N. 52 E. 561 ft. East 231 ft. S. 30 E. 1,105 ft. N. 60 E. 231 N. 35 E. 990 ft. N. 66 E. 462 ft. to the head of Dry Bend, S. 62 E. 1,650 ft. S. 60 E. 363 ft. N. 27 E. 1,288 ft. N. 30 E. 330 ft. N. 84 E. 1,023 ft. N. 31 E. 990 ft. N. 60 E. 984 ft. North 165 ft. N. 56 W. 891 ft. N. 65 E. 1,287 ft. N. 44 E. 561 ft. North 1,749 ft. N. 28 W. 660 ft. N. 2 W. 1,056 ft. N. 42 E. 330 ft. to the mouth of the Little South Fork River, thence down the Big South Fork of Cumberland River with its meanders N. 40 W. 2,640 ft. N. 53 W. 1,930 ft. N. 12 W. 825 ft. to point where the Cooper Road crosses the river, thence still down the river with its meanders, N. 40 E. 561 ft. N. 70 E. 701 ft. N. 86 E. 2,203 ft. N. 54 E. 2,508 ft. N. 20 W. 742 ft. N. 74-30' W. 3,795 ft. N. 24 W. 4,389 ft. N. 45 E. 594 ft. S. 88 E. 2,739 ft. N. 58 E. 899 ft. N. 6 E. 1,303 ft. to the mouth of Cooper Creek, thence N. 57 E. crossing line of the Cincinnati, New Orleans & Texas Pacific Railroad at 21,499 ft. in all 54,499 ft. to the mouth of Beaver Creek, on Cumberland River, thence up the Cumberland River with its meanders N. 85-30' E. 1,320 ft. N. 67-30' E. 1,738 ft. S. 73-30' E. 580 ft. N.

66-30' E. 1,060 ft. S. 84-30' E. 1,561 ft. N. 51-30' E. 643 ft. N. 85 E. 2,018 ft. N. 61-30' E. 1,708 ft. N. 49 E. 2,805 ft. N. 48 E. 2,508 ft. N. 37 E. 400 ft. S. 83-15' E. 1,815 ft. S. 60 E. 780 ft. to the mouth of the Rockcastle River, thence still with the meanders of said river S. 44-15' E. 1,059 ft. S. 6 W. 990 ft. S. 44 W. 1,155 ft. S. 32 W. 965 ft. S. 63-15' W. 1,329 ft. S. 65 W. 561 ft. S. 22 W. 767 ft. S. 28 E. 1,782 ft. S. 23-30' E. 437 ft. S. 54 E. 1,988 ft. S. 48 E. 247 ft. to the mouth of Mill Creek, at the Cumberland river, thence up the Cumberland river with its various meanderings, S. 62 E. 198 ft. to the Pulaski and Whitley county line, S. 79 E. 330 ft. S. 87 E. 1,400 ft. same course -,950 ft. N. 80 E. 1,650 ft. N. 58 E. 1,089 ft. to the mouth of Oldfield branch, thence still continuing with the meanderings of said Cumberland river when reduced to a straight line S. 85 E. 17,920 ft. to the mouth of Laurel River, thence still continuing with the meanderings of Cumberland River when reduced to a straight line S. 15 W. 13,500 ft. to the mouth of Camp Creek, thence still continuing with the meanderings of Cumberland river S. 25 W. 12,000 ft. when reduced to a straight line, to the mouth of Eagle Creek, thence up Cumberland River with the meanderings thereof S. 540 W. 759 ft. S. 32 W. 2,310 ft. S. 17 E. 561 ft. to Great Falls, S. 10 E. 330 ft. S. 46 E. 506 ft. S. 68 E. 330 ft. S. 80 E. 330 ft. N. 76 E. 990 ft. N. 52 E. 330 ft. N. 45 E. 660 ft. to Devil Shoal's; N. 65 E. 660 ft. E. 330 ft. S. 63 E. 1,320 ft. S. 82 W. 660 ft. N. 77 E. 1,716 ft. S. 68 E. 330 ft. S. 35 ft. E. 330 ft. S. 44 W. passing the mouth of Bunches Creek at forty poles, eighty poles in all S. 58 W. 2,772 ft. S. 72 E. 3.564 ft. S. 58 W. 594 ft. to Mulberry Branch, S. 42 W. 5,824 ft. to Pitch Shoals, thence continuing with the meanderings of said river S. 25 W. 1,650 ft. to the mouth of Indian Creek, still with the meanderings of said river S. 12 W. 7,000 ft. to the mouth of March Creek, when reduced to a straight line S. 85 E. 3,000 ft. to two large boulders, and a double ivy at the lower end of Terrapin Shoals between the mouth of Bee Shoals

Branch and the mouth of Buck Branch, thence leaving the Cumberland River and running due south 5,780 ft. to a set stone (52,800 ft. due west from the court house in Williamsburg) still due south 2,000 ft. to a set stone, thence south 1 E. 1,000 ft. to stake S. 2 E. 1,000 ft. to stake, S. 3 E. 1,000 ft. to a poplar bush, S. 4 E. 1,000 ft. to two black oak bushes, S. 5 E. 1,000 ft. to a stake near St. Jones' barn, S. 6, 1,000 ft. to stake and rock, S. 7 E. 1,000 ft. to a maple, sourwood and hickory, S. 8 E. 1,000 ft. to a pine, S. 9 E. 1,000 ft. to a black oak and pine, S. 10 E. 1,000 ft. to a poplar bush in Henry Creekmore's field, S. 11 E. 1,000 ft. to a stake, S. 12 E. 1,000 ft. to a stake and pine by the country road, S. 13 E. 1,000 ft. to a stake on west side of the road, S. 14 E. 1,000 ft. to a blazed hickory, S. 15 E. 1,000 ft. to a stake, S. 16 E. 1,000 ft. to two white oaks and poplars, S. 17 E. 1,000 ft. to a stake on the west side of the country road near Leroy Gilreath's house, marked bush, S. 18 E. 1,000 ft. stake, two maples and dogwood, S. 19 E. 1,000 ft. to a stake near a branch, S. 20 E. 1,000 ft. to a stake, S. 21 E. 1,000 ft. stake, S. 22 E. 1,000 ft. stake, S. 23 E. 1,000 ft. stake by Joe Caddell's barn, S. 24 E. 1,000 ft. stake, S. 25 E. 1,000 ft. stake about 150 ft. from Andy Walker's barn, S. 26 E. 1,000 ft. stake, S. 27 E. 1,000 ft. stake and redbud bush, S. 28 E. 1,000 ft. stake, S. 29 E. 1,000 ft. stake at the head of Buck Branch, S. 30 E. 1,000 ft. stake, S. 31 E. 1,000 ft. stake, S. 32 E. 1,000 ft. stake, S. 33 E. 1,000 ft. stake, S. 34 E. 1,000 ft. stake, S. 35 E. 1,000 ft. stake on top of the mountain between Buck Branch and Ryan's Creek near the farm known as the Mat Gilbreath old farm, S. 36 E. 1,000 ft. stake, S. 37 E. 1,000 ft. stake by large rock, S. 38 E. 1,000 ft. stake, S. 39 E. 1,000 ft. stake S. 40 E. 1,000 ft. stake, S. 41 E. 1,000 ft. stake near cliff, S. 42 E. 1,000 ft. stake, S. 43 E. 1,000 ft. stake, S. 44 E. 1,000 ft. stake, S. 45 E. 1,000 ft. stake, S. 46 E. 1,000 ft. stake, S. 47 E. 1,000 ft. stake, near the top of the mountain, S. 48 E. 1,000 ft. stake, S. 49 E. 1,000 ft. stake, S. 50 E. 1,000 ft. stake, S. 51 E. 1,000 ft. stake in a branch poplar

marked, S. 52 E. 1,000 ft. stake, S. 53 E. 1,000 ft. stake by a flat rock, S. 54 E. 1,000 ft. S. 55 E. 1,000 ft. stake by house at the lower end of Zeb Baird's field, S. 56 E. Jellico Creek in all 57,500 ft. to two willow and two sycamores marked, thence up said Jellico Creek with its meanderings, S. 23 E. 400 ft. S. 28½ E. 900 ft. to the raised ford, S. 69½ E. 264 ft. to point opposite Zion hill church house, S. 25 E. 365 ft. S. 47 E. 495 ft. S. 40 E. 1,082 ft. to the mouth of Capuchin Creek, thence up Capuchin Creek with its meanders, S. 27 E. 193 ft. S. 54 E. 400 ft. S. 27 E. 268 ft. S. 23 E. 975 ft. S. 61 E. 350 ft. S. 54 E. 160 ft. S. 21 E. 363 ft. S. 63 E. 163 ft. S. 23 E. 380 ft. S. 12 W. 1,234 ft. S. 3 E. 1,000 ft. S. 26 W. 256 ft. to the State line rock between the State of Kentucky and Tennessee, said stone standing on the bank of Capuchin Creek and at the edge of the county road, thence west with the Kentucky and Tennessee State line, 182,000 ft. to the point of beginning.

§ 2. A Board of Commissioners is hereby created to be composed of three members, who shall be appointed by the Governor from the two political parties, and who shall be residents of said county, and who shall hold office until the work of said Commissioners is completed; and any vacancy in said board shall be likewise filled by appointment by the Governor.

§ 3. The said Commission shall have power, and it shall be its duty, to select a temporary seat of government for said county, and to provide temporary places for holding the court and courts in said county, and for keeping the public records of said county, until a permanent seat of government is selected, as hereinafter provided, and permanent buildings are provided for such purposes. It shall also have the power, and it shall be its duty, to divide said county into six magisterial districts. For this purpose they will meet at the town of Pine Knot, as soon after their appointment as may be, and, after being duly sworn, they will fairly and im-

partially divide said county into said magisterial districts. They will give the boundary of each district laid off by them; they will also divide said county into voting precincts, and fix and select the voting places in each of said precincts. They will make up in writing a report of their acts and doings under this act and forward one copy to the Secretary of State and one copy they will retain and will deposit with the County Court Clerk of said county as soon as one is appointed and qualified, as hereinafter provided, and said clerk shall preserve the same and spread it of record upon the order book of his office.

§ 4. It shall be the duty of the County Courts of any county whose territory is affected by the act creating said county, to direct their respective County Court Clerks to compile, make up and certify to the County Court Clerk of said county of _____, the property assessment lists already made for the current year of the property properly assessable in _____ county, by reason of its location therein; and the sheriffs of said adjoining counties so affected are respectively relieved from the responsibility of the collection of such tax lists so certified to the County Court Clerk of _____ county. For the services of so compiling and certifying such lists as herein provided, the Fiscal Court of _____ county shall allow to such County Court Clerks a reasonable compensation payable out of the revenue of said _____ county.

§ 5. It shall be the duty of the Governor to appoint, from the eligible citizens of said county, all of the officers provided for a county by the Constitution and laws of this State. The appointment of the magistrates for said county, however, is not to be made until after said county shall have been divided into magisterial districts as above provided. Such officers shall be required to give bond as is required of similar officers, under the Constitu-

tion and laws of this State, and they shall hold office until the next regular election and until their successors are elected and qualified.

§ 6. The several counties from which _____ county is taken, shall have jurisdiction to their limits, the same as before this act was passed, until the officers for _____ county shall have been appointed, as herein provided, and shall have qualified as required herein.

§ 7. The seat of government or county seat of said county, shall be located at such place as may be selected by the voters of said county. It shall be the duty of the County Court of said county, by order entered of record, to call an election to be held, and to direct a poll to be opened at the various voting precincts in said county, which call shall be made as soon after the establishment of the voting precincts by the Commission as above directed, as is practicable, and within ninety days after this act shall take effect and be in force. At said election the proposition for locating the county seat shall be submitted to the legal voters of said county. It shall be the duty of the County Court, by orders entered of record, to direct the sheriff of the county to advertise the said election and the object thereof for at least thirty days next before the day thereof, in all the newspapers published in said county, and if none shall be published therein, then by printed handbills posted up at not less than four of the most public places in each precinct and at the door of the building temporarily used for a court house. The officers of said election shall be appointed by the County Court, and the County Court shall also provide for the form of ballot to be used at such election. It shall be the duty of the officers of said election in each voting precinct to hold said election during the same hours they are required by law to hold elections for county officers, and said election shall be held and

conducted in all respects under the general election law, except that the County Court and the two magistrates residing nearest to the temporary seat of government shall constitute the board for canvassing the returns of said election and certifying the result thereof. The place receiving the highest number of legal votes cast at said election shall be the location of said seat of government or county seat, and the result of such election shall be certified to the County Clerk of said county by the said board of canvassers and shall be spread by him on the order book of his office, and copy thereof mailed to the Secretary of State.

§ 8. The Fiscal Court of said county shall provide suitable buildings in which to hold the Circuit and County Courts, and keep the clerks and sheriff's offices, at the county seat selected until public buildings shall be provided; and while courts are held at the places so provided, all advertisements, notices, etc., required to be put up at the court house door, or sales or other acts to be done at the court house door, shall be legal and binding if done at the places for holding the courts aforesaid. The said Fiscal Court, a majority concurring, are also authorized and empowered to select suitable lots of ground at the seat of justice of said county, upon which to erect the necessary buildings, and to purchase and make provisions for the payment therefor, in the manner provided by law for the acquiring of such property by a county, or they may receive such lots of ground by donation; and when so purchased or donated, the vendor or donor shall make proper deeds therefor to the county; and they may receive subscriptions in work or materials or for money to be paid to be used in the erection or payment for the erection of the necessary buildings.

§ 9. The Fiscal Court of _____ county shall allow to each of the Commissioners provided for in this act, and to their assistants, reasonable compensation for their services, to be paid out of the county levy.

Mr. Creekmore offered the following amendment to said bill, viz:

Amend Sections 4, 6, and 9 by inserting the name Wilson in each of the blanks occurring in said sections.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	W. B. Creekmore,	R. H. Moss,
W. D. Allbright,	G. G. Frazier,	Ben E. Niles,
J. W. Berkshire,	Chas. W. Fulton,	L. C. Owings,
P. W. Berkshire,	T. D. Graham,	W. V. Perry,
Eli Berry,	F. E. Graves,	W. F. Pitman,
T. M. Bertram,	L. B. Herrington,	Marion F. Pogue,
O. Houston Brooks,	Robt. C. Hill,	A. H. Points,
S. M. Carson,	John W. Holland,	R. A. Read,
W. G. Caudill,	Hite Huffaker,	Geo. W. Reid,
J. P. Chinn,	S. B. Johnson,	J. T. Riherd,
Henry Chunn,	W. G. Keen,	S. C. Roberts,
J. R. Claypool,	O. M. Kelsey,	S. M. Russell,
Z. A. Clore,	J. H. Lackey,	W. H. Shanks,
Peter J. Cosgrove,	Hugh Mahin,	W. H. Southall, Jr.,
S. F. Crabtree,	J. H. McWaters,	John S. Steers,
C. F. Crecelius,	Don G. McVean	J. H. Williams,

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Those who voted in the negative were—

Frank J. Brown,	W. H. Newell,	J. J. Taylor,
L. H. Carter,	S. P. Parks,	E. E. Trivette,
M. G. Colson,	C. C. Patrick,	J. W. Turner,
Robt. L. Harris,	G. H. Plitt,	Geo. C. Waggoner,
Wm. F. Klair,	W. Price,	Edward A. Weber,
H. L. Lewis,	Harris Roberts, Jr.,	J. H. Williams,
H. J. Meyers,	W. Logan Shearer,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 491. An act to create the 34th Judicial District of Kentucky and to change the 26th and 27th Circuit Court Judicial Districts and to provide for the holding of courts in the 26th, 27th and 34th Judicial Districts and provide for Judges and Commonwealths Attorneys.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The twenty-sixth Judicial District shall consist of the Counties of Bell and Harlan.

The twenty-seventh Judicial District shall consist of the Counties of Clay, Jackson and Laurel.

The thirty-fourth Judicial District shall consist of the counties of Knox and Whitley.

§ 2. The Hon. William T. Davis, present Judge of the twenty-sixth Judicial District, shall be and remain during the term of office for which he was elected, Judge of the twenty-sixth Judicial District as changed by this act.

The Hon. William Lewis and the Hon. J. B. Cloyd shall be and remain Judge and Commonwealth's Attorney respectively of the twenty-seventh Judicial District as changed by this act, during the term of office for which they were elected Judge and Commonwealth's Attorney respectively.

The Hon. Joseph B. Snyder, of Whitley county, Kentucky, at present Commonwealth's Attorney for the 26th Judicial District, shall be for the remainder of the term for which he was elected Commonwealth's Attorney of the 34th Judicial District consisting of the counties of Knox and Whitley as created by this act.

The Governor shall appoint a Judge of the thirty-fourth Judicial District, as constituted by this act, who shall hold his office until his successor is elected and qualified at the regular November election in such district in the year 1911.

The Governor shall appoint a Commonwealth's Attorney for the twenty-sixth Judicial District, as constituted under this act, who shall hold his office until his successor is elected and qualified at the regular November election in such district in the year 1911.

§ 3. The Courts in the twenty-sixth, twenty-seventh and thirty-fourth Judicial Districts and in the several counties composing the same, shall be held at the following times and places, and for the time hereinafter set out:

Twenty-sixth Judicial District.—Harlan County, at Harlan on the Second Monday in January and continue eighteen juridical days; fourth Monday in March and continue eighteen juridical days; first Monday in September and continue twelve juridical days; fourth Monday in October and continue eighteen juridical days.

Bell County, at Pineville, on the first Monday in February and continue thirty-six juridical days; on the fourth Monday in April and continue thirty-six juridical days; fourth Monday in September and continue twenty-four juridical days; third Monday in November and continue thirty juridical days.

Twenty-seventh District.—Jackson county, at McKee, second Monday in January and continue twelve juridical days; first Monday in April and continue twelve juridical days; second Monday in September and continue eighteen juridical days.

Clay county, at Manchester, fourth Monday in January and continue eighteen juridical days; third Monday in April and continue eighteen juridical days; second Monday in October and continue twenty-four juridical days.

Laurel county, at London, third Monday in February and continue thirty juridical days; third Monday in May and continue thirty juridical days; third Monday in November and continue thirty juridical days.

Thirty-fourth District.—Knox county at Barboursville, first Monday in January and continue thirty-six juridical days; second Monday in April and continue twenty-four juridical days; first Monday in September and continue eighteen juridical days; first Monday in November and continue eighteen juridical days.

Whitley county at Williamsburg, third Monday in February and continue forty-two juridical days; second Monday in May and continue thirty-six juridical days; fourth Monday in September and continue thirty juridical days; fourth Monday in November and continue twenty-four juridical days.

§ 4. This act shall take effect and be in force from and after the first day of July, 1910.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
J. T. Bnford,
L. H. Carter,
W. C. Caudill,
J. P. Chinn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
L. B. Herrington,
Robt. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
Wm. F. Klair,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
R. H. Moss,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
A. H. Points,
W. Price,
L. R. Ray,
Geo. W. Reid,
J. T. Riherd,
ris **Roberts, Jr.,**
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
W. H. Shanks,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Stears,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,

L. H. Francies,	J. W. Perry,	Edward A. Weber,
G. G. Frazier,	W. V. Perry,	W. F. Welch,
Chas. W. Fulton,	John C. Pirtle,	J. H. Williams,
F. E. Graves,	W. F. Pitman,	J. H. Williams,
Robt. L. Harris,	G. H. Plitt,	J. R. Zimmerman,

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Those who voted in the negative were—

T. D. Graham,

Resolved that the title thereof be as aforesaid.

Mr. Taylor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Schoberth moved that the session of this afternoon be extended indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules

Mr. Hunter of the Committee on Internal Improvements to which the same had been recommitted reported a bill entitled,

H. B. 266. An act to amend an act to amend Section 4315, Chapter 110, Kentucky Statutes approved March 24, 1908.

With an amendment thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. At Section four thousand three hundred and fifteen of the Kentucky Statutes approved (amended) March 24, 1908, be amended.

by striking out all of the words in said section beginning with the words, "The Supervisor, with the consent of the County Judge may designate," at the end of the 50th line of said section, as appears in the amendment in the published acts of 1908 on page 109, and continuing and ending with the words "certain roads or parts of roads that are not to be let out as hereinbefore required, which are to be worked and kept in repair," on the 54th line of said Section, as appears in the amendment on said page 109 of the published acts of 1908, and substituting in lieu thereof the following, "Provided, however, that the Fiscal Court may order the Supervisor, or, if no Supervisor, then the County Judge, to work and keep in repair any part or all of the roads of the County,"

And by striking out all of the following part of said Section, beginning on the 93rd line of said section, and continuing on to the close of said Section, as appears in the published acts of 1908 on page 110 and 111 as follows: "and, Provided further, That in cases where, under the provisions of this section, the supervisor, with the consent of the County Judge, is authorized to designate certain roads that are not to be let out as hereinbefore required, but which are to be worked and kept in repair by special contracts by hired hands, by delinquent taxpayers or persons sentenced to labor. The County Judge (there being no supervisor in the county) shall have authority, and it shall be his duty to do everything in relation thereto, that the supervisor could have done without his consent, and may appoint some competent person or persons to superintend and carry on said work." So that section, when amended, will read as follows:

§ 4315. Supervisor—Duty and Power of Letting Roads to Contractor—Fiscal Court—County Judge—

In counties wherein roads are worked by taxation, it shall be the duty of the supervisor, or if there be no supervisor, the County

Judge, to advertise for fifteen days in succession in some newspaper of general circulation in his county or by written or printed notices posted up in three or more conspicious places in each voting place in said county just preceeding the regular monthly meeting of the Fiscal Court in April in each year, that the Fiscal Court will receive bids to let out to the lowest and best bidder (who shall give bond with surety approved by said Court) the working and keeping in repair of all roads in said county for a term of not less than one or more than four years, not however including in such letting, roads previously contracted for. The said work shall be done as prescribed in bonds of contractors, the Fiscal Court reserving the right to annul any and all contracts made with contractors, when the terms of the contracts are not fully complied with.

The Fiscal Court shall also let out at such times needed and on reasonable (printed or written) notice, the building and repairing of all such bridges and culverts as are not embraced in the contracts for working roads. It shall be the duty of the supervisor to superintend the opening, widening and changing of roads, superintend the erection of gates on public roads, to inspect new roads and alterations in the roads, and report the same to the Fiscal Court when and in the manner directed by said Court and to see that all roads and bridges are kept clear of obstructions and at all times in good order for travel and transportation. Provided, that for the purposes enumerated, the fund raised under this act, and which may be otherwise raised by the levy Court, shall be sufficient, and if not sufficient, then it is to be used at such places and for such purposes as the supervisor, under the general directions of said Court, may deem proper; and the Court in giving such directions shall have due regard for the public good and to wants of the different parts of the county. The said Court shall provide a period in each year within which the levying and grading of roads shall be

done, but said period shall not extend beyond the first of November in any year. It shall be the duty of the supervisor to report in writing to the Judge of the County Court all failures of contractors to comply with their contracts in regard to roads or bridges, and to appear and prosecute in all proceedings against such deliinquents so reported by him. Provided, however, that the Fiscal Court may order the Supervisor, or, if no supervisor, then the County Judge, to work and keep in repair any part or all of the roads of the County, either by special contracts privately made, or by hands and teams hired by him, or by delinquent taxpayers, or by persons sentenced to labor, or who, by law may be liable to work out fines imposed by juries or courts. But it shall be the duty of the supervisor to return to the County Court, at its November term in each year, a descriptive list of such roads, which shall be recorded in this order book and also to report in writing all hands and teams hired, the amounts paid for same, and the length of time and where employed; and also a similar report of the names of delinquents who work, the places where, and the length of time and names of persons working out fines or sentences on roads. And it shall be the further duty of the supervisor to supervise said work, and to employ competent persons to oversee, and in the magesterial districts where no overseer has been appointed or employed it shall be the duty of the magistrate in said district to oversee, and he may, if necessary, put balls and chains on convicts to prevent their escape. Such overseers and persons hired as herein provided are to be paid out of the road fund or county levy, in the discretion of the Fiscal Court. Delinquent taxpayers shall be put on roads convenient to their place of residence, and shall be allowed credit at the rate of one dollar for each full day's work; Provided, however, That the Fiscal Court of any county wherein roads are worked by taxation, may, instead of appointing a supervisor, authorize the County Judge to so let out the

working of the roads and the building or repairing of bridges, and to take and approve the bonds hereinbefore required. In such cases the other powers herein conferred and duties imposed upon the supervisor shall be exercised and discharged, by the road overseers in their respective precincts; and provided, further, That the County Court may in its discretion, appoint a special commissioner to receive new roads and alterations in roads.

§ 2. Whereas great good will be accomplished in many Counties in this Commonwealth by reason of this amendment, therefore an emergency is hereby declared to exist, and this act shall become a law from and after its passage and approval by the Governor.

The amendment as proposed to said bill by the Committee is as follows, viz:

Strike out Section 2.

Said amendment was agreed to.

Sundry amendments were offered to said bill and were severally taken up and disagreed to.

Ordered that said bill as amended be engrossed and read the third time.

The contsitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and placed on its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	W. B. Creekmore,	W. V. Perry,
O. Houston Brooks,	L. B. Herrington,	John C. Pirtle,
Frank J. Brown,	Robt. C. Hill,	Marion F. Pogue,
J. T. Bnford,	R. Dillard Hunter,	A. H. Points,
L. H. Carter,	W. G. Keen,	W. Price,

Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Peter J. Cosgrove,
C. F. Crecelius,
Wm. F. Klair,
Hugh Mahin,
Don G. McVean.
H. J. Meyers,
C. C. Patrick,
G. T. Reynolds,
S. M. Russell,
H. A. Schoberth,
John S. Steers,
W. R. Whitlow,
—32

Those who voted in the negative were—

W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
S. M. Carson,
W. C. Caudill,
J. P. Chinn,
Henry Chunn,
Albert J. Counts,
Peter J. Cosgrove,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
S. B. Johnson,
O. M. Kelsey,
J. H. Lackey,
H. L. Lewis,
J. H. McWaters,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. F. Pitman,
G. H. Plitt,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
W. F. Welch,
L. F. Withers,
J. R. Zimmerman,
—46

And so said bill was disagreed to.

Mr. Taylor moved to reconsider the vote by which said bill was disagreed to and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Governor announcing that he had approved and signed an enrolled bill which originated in the House of Representatives entitled,

H. B. 66. An act to amend an act entitled "An act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908.

A message was received from the Senate announcing that they had passed a bill of the following title,

S. B. 80. An act to create the Kentucky Library Commission to define its powers and duties and to provide for its expenses.

Said bill was ordered to be printed and referred to the Committee on Public Library.

At 6:15 o'clock Mr. Wilson moved that the House do now adjourn.

Said motion was agreed to.

SATURDAY, MARCH 5, 1910.

The House was opened with prayer by the Rt. Rev. C. C. Penick of the Protestant Episcopal Church.

The reading of the Journal of yesterday's proceedings was dispensed with.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

S. B. 40. An act to amend Section 1884 of Chapter 52 of the Kentucky Statutes, Carroll's edition of 1909, entitled Fiscal Courts.

S. B. 53. An act amending Section 74, Title 5, of the Civil Code of Practice.

S. B. 92. An act regarding libel and the civil proceedings thereunder.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with they were severally read the second time by their title.

Ordered that said bills be placed in the Orders of the Day.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. Klair of the Committee on Municipalities.

H. B. 428. An act to amend and re-enact Section 32 of Article 5 of an act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19, 1894, said Section being Section 3137, Kentucky Statutes, Carroll's edition, 1909.

By Mr. Huffaker of the Committee on Codes of Practice.

H. B. 502. An act to amend Section 281 of the Codes of practice in criminal cases.

Said bills were severally read the first time and ordered to be placed on the Calendar.

A message was received from the Senate announcing that they had concurred in a resolution and had passed bills which originated in the House of Representatives of the following titles,

H. Res. 11. Resolution for the benefit of the ministers of the gospel of Frankfort.

H. B. 3. An act to provide for the reporting and publication of the opinions of the Court of Appeals of Kentucky.

H. B. 250. An act granting pensions to disabled, indigent Confederate soldiers.

That they had passed bills and adopted a resolution of the following titles, viz.:

1. S. B. 63. An act for the benefit of the Kentucky Division of the Daughters of the Confederacy.

2. S. B. 205. An act to amend Section 1 of Article 1 of Chapter 108 of an act entitled revenue and taxation same being Section 4019 of Carroll's Kentucky Statutes.

3. S. Res. 15. Resolution providing for the appointment of a committee to devise a plan to redistrict the State into appellate, congressional, judicial and legislative districts.

Ordered that said bills and resolution be printed and referred

1. To the Committee on Confederate Home.

2. To the Committee on Revenue and Taxation.

3. To the Committee on Redistricting—Legislative.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 28. An act to amend and re-enact Subsection 4 of Section 1, Article 4 of an act entitled "An act for the government of cities of the second class, in the Commonwealth of Kentucky," approved March 19, 1894, said subsection being Subsection 4 of Section 3058 of the Kentucky Statutes, 1903.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection four of Section one of Article four of an act, entitled, "An Act for the government of the cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said subsection being Subsection four of Section Three Thousand and Fifty-eight of the Kentucky Statutes, 1903, be and the same is hereby amended and re-enacted so that the same shall read as follows, to-wit:

WATER SUPPLY:—To provide the city with water; to make, regulate and establish public cisterns, hydrants and reservoirs, in or under the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water, and to compel any water company, corporation or individual to change or re-locate any water main or pipe; and, when such cities own a water works system, it shall have the power to supply such neighboring towns, cities and other municipalities, and individuals, as may contract therefor, with water from said water works system, and for said purposes may acquire and own all necessary franchises, rights and privileges from said towns,cities and other municipalities, to construct, extend and maintain, and may construct, extend and maintain and own therein, pipe and other things necessary to the supply and distribution of said water.

In case the city shall secure the franchise for supplying any neighboring town, city or municipality, or in case of the annexation of any neighboring town, city or municipality, and if in such city, town or municipality, any Water Company or person or persons, has heretofore laid, or constructed water mains, fire-plugs, hydrants, etc., in any such city, town or municipality, for the purpose of supplying the same and its inhabitants with water, then, and in that event, the city obtaining said franchise, or annexing said town, city or municipality, shall be required, before they exercise any franchise therein for supplying water, to purchase all water mains, fire-plugs, hydrants and other attachments belonging to said Water Companies or person or persons, in said city, town, or municipality, at a price to be agreed upon by the parties and in the event of a disagreement, the price to be fixed by a Board of Appraisers consisting of three persons, one to be selected by the city, one by the Water Company, and two so appointed to select the third.

All acts, and parts of acts, in conflict herewith, are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	A. H. Points,
J. W. Berkshire,	Robt. C. Hill,	J. F. Porter,
P. W. Berkshire,	John W. Holland,	W. Price,
T. M. Bertram,	Hite Huffaker,	R. A. Read,

Frank J. Brown,	R. Dillard Hunter,	Geo. W. Reid,
J. T. Bnford,	S. B. Johnson,	G. T. Reynolds,
S. M. Carson,	Wm. F. Klair,	H. T. Rich,
L. H. Carter,	J. H. Lackey,	J. T. Riherd,
W. C. Caudill,	L. C. Littrell,	Farris Roberts, Jr.,
J. P. Chinn,	J. H. McWaters,	S. C. Roberts,
Henry Chunn,	Don G. McVean,	H. A. Schoberth,
Sidney G. Clay,	Frank S. Moore,	S. A. Shanklin,
J. R. Claypool,	R. H. Moss,	W. H. Shanks,
Z. T. Coleman,	H. J. Meyers,	W. Logan Shearer,
M. G. Colson,	Ben E. Niles,	John S. Steers,
Albert J. Counts,	W. H. Newell,	J. J. Taylor,
Peter J. Cosgrove,	L. C. Owings,	J. W. Turner,
S. F. Crabtree,	S. P. Parks,	Geo. C. Waggoner,
C. F. Crecelius,	J. W. Perry,	Edward A. Weber,
W. B. Creekmore,	W. V. Perry,	W. R. Whitlow,
G. G. Frazier,	John C. Pirtle,	J. H. Williams,
Chas. W. Fulton,	G. H. Plitt,	J. R. Zimmerman,
H. T. Gartin,	Marion F. Pogue,	—66

Resolved that the title thereof be as aforesaid.

Mr. Holland moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules—

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 269. An act in relation to pandering to prohibit the same and provide for the punishment thereof and for the competency of certain evidence at the trial thereof.

Together with the amendment heretofore proposed thereto by the Committee on Public Morals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who takes, places, harbors, inveigles, entices, persuades, encourages, either by threats, or promises, or by any device or scheme, takes or places or causes to be placed or taken any female into a house of ill-fame or of prostitution or elsewhere, against her will, for the purpose of prostitution or illegal sexual intercourse, or takes or detains a female unlawfully against her will with intent to compel her by force, threats, persuasion, menace or duress to marry him or to marry any other person or to be defiled; or any person who being parent, guardian or having legal charge of the person of a female, consents to her taking or detention by any person for the purpose of prostitution or illegal sexual intercourse shall be guilty of pandering, and upon conviction shall be punished by imprisonment for a term of not less than two or more than twelve years and be fined not more than five thousand dollars in the discretion of the Court.

§ 2. Any person who shall place any female in the charge or custody of any person or persons for immoral purposes or in a house of prostitution with the intent that she shall live a live of prostitution, or any person who shall compel any female to reside with him or any other person for immoral purposes, or for the purpose of prostitution or compel her to live a life of prostitution is guilty of pandering, and upon conviction shall be punished by a fine of not less than one thousand dollars and imprisoned not less than one nor more than ten years.

§ 3. Any person who shall receive any money or other valuable thing for or on account of procuring or placing in a house of prostitution elsewhere any female for the purpose of causing

her to cohabit with any male person or persons, shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary for not less than three nor more than ten years.

§ 4. Any person who by force, fraud, intimidation, or threats, places or leaves, or procures any other person or persons to place or leave his wife in a house of prostitution or to lead a life of prostitution shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary for not less than three nor more than ten years.

§ 5. Any person or persons who knowingly receives any money or other valuable thing from the earnings of any woman or girl engaged in prostitution shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary not less than three nor more than ten years.

§ 6. Any person or persons who attempts to detain any girl or woman in a disorderly house or house of prostitution because of any debt or debts she has contracted, while living in said house, shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary not less than two nor more than twelve years.

§ 7. Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, by any means of conveyance, through or across this State, any woman or girl for the purpose of prostitution or with the intent and purpose to induce, entice or compel such woman or girl to become a prostitute, shall be deemed guilty of a felony, and upon conviction thereof be sentenced to the penitentiary for not less than three nor more than ten years; any person who may commit the crime in this section mentioned may be prosecuted, indicted, tried and convicted in any county or city in or through which he shall so transport or attempt to transport any woman or girl, as aforesaid.

§ 8. All laws and parts of laws in conflict herewith, are, to the extent of such conflict, hereby repealed.

§ 9. An emergency exists for the immediate effect of this law, therefore be it further enacted that this Act shall take effect from the date of its passage.

The amendments as proposed thereto by said Committee are as follows, viz.:

Amend by inserting the words "against her will" between the words "female" and "in" in line 1 of Section 2.

Insert the words "of previous good character" after the word "female" in line 3 of Section 3.

Amend by striking out the words "or city" in line 9, Section 7.

Said amendments were severally disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	G. H. Plitt,
W. D. Allbright,	L. B. Herrington,	A. H. Points,
J. W. Berkshire,	Robt. C. Hill,	W. Price,
P. W. Berkshire,	Samuel D. Hines,	R. A. Read,
T. M. Bertram,	John W. Holland,	Geo. W. Reid,
Frank J. Brown,	S. B. Johnson,	G. T. Reynolds,

J. T. Bnford,	W. G. Keen,	H. T. Rich,
S. M. Carson,	Wm. F. Klair,	J. T. Riherd,
L. H. Carter,	J. H. Lackey,	Farris Roberts, Jr.,
W. G. Caudill,	L. C. Littrell,	S. C. Roberts,
Henry Chunn,	J. H. McWaters,	H. A. Schoberth,
Sidney G. Clay,	Frank S. Moore,	S. A. Shanklin,
J. R. Claypool,	R. H. Moss,	W. H. Shanks,
Z. T. Coleman,	Ben E. Niles,	W. Logan Shearer,
M. G. Colson,	W. H. Newell,	John S. Steers,
Albert J. Counts,	L. C. Owings,	J. J. Taylor,
Peter J. Cosgrove,	S. P. Parks,	J. W. Turner,
S. F. Crabtree,	C. C. Patrick,	Geo. C. Waggoner,
H. C. Duffy,	J. W. Perry,	Edward A. Weber,
L. H. Francies,	W. V. Perry,	J. H. Williams,
G. G. Frazier,	John C. Pirtle,	J. H. Williams,
Chas. W. Fulton,	W. F. Pitman,	J. R. Zimmerman,
H. T. Gartin,		—67

Resolved, that the title thereof be as aforesaid.

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The house took up for consideration from the Orders of the Day a bill entitled:

H. B. 459. An act to create the office of Assistant Commonwealth's Attorney in districts embracing not less than six counties.

Together with the amendment heretofore proposed to said bill by the Committee on Circuit Courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. The Assistant Commonwealth's Attorney shall be appointed by the Commonwealth's Attorney for a term of four years, in judicial districts embracing not less than six counties, but shall be subject to removal at any time by the Commonwealth's Attorney; his salary shall be fixed at the sum of $2,500 per annum, payable out of the county levies, in quarterly installments, to be prorated among the different counties in said districts, according to the amount of taxable property in said counties.

§ 2. The Assistant Commonwealth's Attorney shall possess the qualifications of a Commonwealth's Attorney, and shall have the same powers and perform the same duties that the Commonwealth's Attorneys have and perform, except that in case of a disagreement between the Commonwealth's Attorney, and the Assistant Commonwealth's Attorney the Commonwealth's Attorney shall control.

§ 3. In the absence of the Commonwealth's Attorney the Assistant Commonwealth's Attorney shall act as Commonwealth's Attorney without additional compensation.

The amendment proposed to said bill by the said committee is as follows, viz.:

Amend by striking out the word "shall" in line 1, Section 1 and insert in lieu thereof the word "may."

Said amendment was agreed to

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
Eli Berry,
T. M. Bertram,
O. Houston Brooks,
Frank J. Brown,
J. T. Bnford,
S. M. Carson,
Sidney G. Clay,
J. R. Claypool,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
C. F. Crecelius,
Wm. S. Dean,
L. H. Francies,
G. G. Frazier,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
Robt. C. Hill,
John W. Holland,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
J. F. Porter,
Geo. W. Reid,
Farris Roberts, Jr.,
S. M. Russell,
H. A. Schoberth,
W. H. Southall, Jr.,
John S. Stears,
J. J. Taylor,
J. W. Turner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
J. R. Zimmerman,
—55

Those who voted in the negative were—

J. W. Berkshire,
P. W. Berkshire,
Z. T. Coleman,
S. F. Crabtree,
H. C. Duffy,
R. Dillard Hunter,
W. F. Pitman,
A. H. Points,
W. Price,
R. A. Read,
G. T. Reynolds,
H. T. Rich,
J. T. Riherd,
S. C. Roberts,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
J. H. Williams,—18

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 416. An act to amend an act entitled, "An act to regulate child labor and to make the provisions thereof effective," approved March 18, 1908.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of an act of the General Assembly entitled "An act to regulate child labor and to make the provisions thereof effective," approved March 18, 1908, which section is incorporated in Section 331a, 2, of the Kentucky Statutes, be amended by striking from the said section the following words: "In any factory, workshop, mine or mercantile establishment," and by substituting for the words so stricken the words: "In or in connection with any factory, workshop, mine, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages."

Said section of said act as amended shall read as follows:

"No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, workshop, mine, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, or in the distribution

or transmission of merchandise or messages, unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, and to the Labor Inspector, an employment certificate as hereinafter prescribed, and keep two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The Labor Inspector may make demands on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him within ten days evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ, or permit or suffer such child to work therein. The Labor Inspector may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the inspector within ten days after such demand such evidence of age herein required of him, and thereafter continue to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be *prima facie* evidence in any prosecution brought for violation of the provision that such child is under sixteen years of age and is unlawfully employed."

§ 2. That Section 3 of said act shall be amended by striking out the whole thereof and in lieu thereof there shall be inserted the following so that the said section, as amended, shall read:

"Section 3. Employment certificates shall be issued only by the Superintendent of Schools or by a person authorized by him in writing acting in his name. Where there is no local Superintendent of Schools, they shall be issued by the County Superintendent of Schools or by a person so authorized by him."

§ 3. That Section 4 of the said act be amended by adding thereto the following words: "The superintendent of schools in any city, town, county, or district, wherever there is one, and where there is none, then the County Superintendent shall, between the first and tenth days of each month, transmit to the office of the Labor Inspector, a report, which report shall give: (1) the name of each child to whom a certificate has been issued in the previous month, together with the date of birth of such child; and (2) the name of each child to whom a certificate has been refused in the previous month, together with the ground for such refusal. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting same to the Labor Inspector, shall constitute a misdemeanor punishable by a fine of not more than twenty-five nor less than five dollars, to be disposed of as provided in Section 18 of this law."

Said Section 4 shall, as amended, hereafter read as follows, viz.:

§ 4. "The persons authorized to issue employment certificates shall not issue such certificates until he has received, examined, approved, and filed the following papers duly executed:

"(1) The school record of such child properly filled out and signed as provided hereinbelow. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births, shall be sufficient evidence of the age of such child. (3) The affidavit of the parent, guardian or custodian

of a child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the date and place of birth of such child; which affidavit must be taken before the officer issuing employment certificates, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the certificates, and until such officer shall, after making examination, file and sign in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upward and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health, or by the county physician. Every employment certificate shall be signed in the presence of the child in whose name it is issued. The superintendent of schools in any city, town, county, or district wherever there is one, and where there is none, then the County Superintendent shall between the first and tenth days of each month, transmit to the office of the Labor Inspector, a report, which report shall give (1) the name of each child to whom a certificate has been issued in the previous month, together with the date of birth of such child; and (2) the name of each child to whom a certificate has been refused in the previous month, together with the ground for such refusal. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting same to the Labor Inspector, shall constitute a misdemeanor punishable by a fine of not more than twenty-five nor less than five dollars, to be disposed of as provided in Section 18 of this law."

§ 4. That Section 7 of said act be hereby entirely stricken therefrom, and that hereafter Section 8 thereof shall be numbered Section

7 and the subsequent sections of said act shall hereafter be numbered consecutively in numerical order.

§ 5. That Section 9 of the said act shall be amended as follows: The words "Whoever having under his control a child under such age," shall be stricken from the said section, and in place of the said words so stricken there shall be substituted the words "Any parent, guardian, or any adult person under whose care or control a child under such age lives, who," so that the said section as amended shall read:

"Whoever employs a child under sixteen years of age, and any parent, guardian, or any adult person under whose care or control a child lives, who permits such child to be employed in violation of Sections 1, 2 or 7 of this act, shall, for such offense, be fined not more than fifty dollars, and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer or a Labor Inspector thereof, shall for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or Labor Inspector any employment certificate or list required by this act shall be *prima facie* evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of Section 2 of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by Section 5 of this act, who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars, nor less than ten dollars."

§ 6. That Section 18 of said act be amended by adding thereto the following words: "Every fine imposed under this law shall enure to the benefit of the public schools in the city, county, town or district in which the violation may have occurred; and the court imposing such fine shall promptly cause same to be paid over to the proper school authorities entitled to receive other moneys accruing to said schools."

Said Section 18 of the said act when amended as hereinabove provided shall read:

"Any adult person who violates any of the provisions of this act or who suffers or permits any child to be employed in violation of its provisions shall be deemed guilty of a misdemeanor, and on conviction, unless otherwise herein expressly provided, shall be punished by a fine of not more than fifty dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense by imprisonment for not more than ninety days and not less than ten days, or by a fine of not less than fifty dollars nor more than two hundred dollars, or by both fine and imprisonment. Every fine imposed under this law shall enure to the benefit of the public schools in the city, town, county or district in which the violation may have occurred, and the court imposing such fine shall promptly cause same to be paid over to the proper school authorities entitled to receive other moneys accruing to said schools."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	Hite Huffaker,	A. H. Points,
J. W. Berkshire,	R. Dillard Hunter,	W. Price,
P. W. Berkshire,	S. B. Johnson,	Geo. W. Reid,
Frank J. Brown,	W. G. Keen,	G. T. Reynolds,
J. T. Bnford,	Wm. F. Klair,	Farris Roberts, Jr.,
S. M. Carson,	J. H. Lackey,	S. M. Russell,
W. G. Caudill,	L. C. Littrell,	H. A. Schoberth,
Sidney G. Clay,	Hugh Mahin,	S. A. Shanklin,
J. R. Claypool,	J. H. McWaters.	W. H. Shanks,

Z. T. Coleman,	Frank S. Moore,	W. Logan Shearer,
Albert J. Counts,	R. H. Moss,	John S. Steers,
Peter J. Cosgrove,	H. J. Meyers,	J. J. Taylor,
C. F. Crecelius,	Ben E. Niles,	E. E. Trivette,
Wm. S. Dean,	W. H. Newell,	J. W. Turner,
H. C. Duffy,	L. C. Owings,	Geo. C. Waggoner,
L. H. Francies,	C. C. Patrick,	Edward A. Weber,
G. G. Frazier,	J. W. Perry,	W. R. Whitlow,
H. T. Gartin,	W. V. Perry,	J. H. Williams,
T. D. Graham,	John C. Pirtle,	L. F. Withers,
L. B. Herrington,	G. H. Plitt,	J. R. Zimmerman,
Robt. C. Hill,	Marion F. Pogue,	—62

Those who voted in the negative were—

O. Houston Brooks,	W. B. Creekmore,	R. A. Read,
Henry Chunn,	W. F. Pitman,	J. T. Riherd,
M. G. Colson,	L. R. Ray,	S. C. Roberts,
S. F. Crabtree,		—10

Resolved that the title thereof be as aforesaid.

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the day a bill entitled:

H. B. 457. An act to amend Section 1453 of the Kentucky Statutes entitled, Ballots—how names of candidates placed on—device indicating party-powers, and duties of county clerks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1453 of the Kentucky Statutes, Carroll's Edition 1909, be amended by striking therefrom the words "other than mem-

bers of the General Assembly" where they occur on the top or first line on page 679. And further amended by striking from the next following line of said section the word "exclusively" and inserting in lieu thereof the words "larger than county." So that said section when amended will read as follows:

"The county clerk of each county shall cause to be printed on the respective ballots the name of the candidates nominated by the convention of primary election of any part that cast two per cent of the total vote of the State at the last preceding general election, as certified to the said clerk by the presiding officer and secretary of said convention. or in the case of a primary election by the secretary and chairman of anv district committee; and also the names of any candidates for any office, when petitioned so to do by electors qualified to vote for such candidates, as follows: For a State officer, or any officer for whom all the electors of the State are entitled to vote, one thousand petitioners; for a Representative in Congress from any congressional district, or any other district except as herein provided, four hundred petitioners; for a county officer or member of the General Assembly, one hundred petitioners; for an officer of a precinct, or any other ward, or other division less than a county, twenty petitioners. The signatures of such petition need not be appended to one paper, but no petitioner shall be counted except his residence and postoffice address be designated. Such petition shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire, and are legally qualified, to vote for such candidate; and shall designate a brief name or title of the party or principle which said candidates represent, together with any simple figure or device by which they shall be designated on the ballot. The certificate of nomination by a convention or primary election shall be in writing, and shall contain the name of each person nominated, his residence and the office to which he is nominated, and shall designate a title for the party or principle which such convention or primary election represents, together with any simple figure

or device by which its list of candidates may be designated on the ballots; said certificates shall be signed by the presiding officer and secretary of such convention, or by the chairman and secretary of the county, city or district committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to admister oaths. If the certificate of nomination of any State Convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the State such figure or device shall be used until changed by request of a subsequent State convention of the same party. Such device may be any appropriate symbol; but the coat of arms or seal of the State, or of the United States, the national flag, or any other emblem common to the people at large, shall not be used as such device. A certificate of such acknowledgement shall be appended to such instrument. In case of death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the chairman of the State, county or city district committee shall fill such vacancy. Certificates and petitions of nomination of candidates for all offices to be filled by the electors of a county, or a division or district of the county, shall be filed with the county court clerk: Provided, however, That if any political party entitled to nominate by convention shall in any case fail to do so, the names of all nominees by petition for any office who shall be designated in their petition as members of, and candidates of, such party, shall be printed under the device and title on the ballots as if nominated by a convention. Certificates and petitions of nomination of candidates for offices to be voted for by the electors of the State, or of any division or district of the State larger than a county, shall be filed with the Secretary of the State. In the event two or more persons who have filed certificates of nomination with the said Secretary of State or county clerk shall claim to be the nominee of the same political party the governing authority of said political party shall designate, in writing, to said Secretary of State and

county clerk which of said candidates shall be entitled to the party emblem: Provided, however, if there be two or more contending executive committees of the same party in the county or district, then that county or district executive which is recognized by the State governing authority of such party, by the written certificate of the chairman thereof, shall be recognized by the county clerk and Secretary of State."

§ 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	F. E. Graves,	A. H. Points,
P. W. Berkshire,	L. B. Herrington,	R. A. Read,
Eli Berry,	John W. Holland,	Geo. W. Reid,
Frank J. Brown,	Wm. F. Klair,	G. T. Reynolds,
J. T. Bnford,	J. H. McWaters,	J. T. Riherd,
S. M. Carson,	Frank S. Moore,	Farris Roberts, Jr.,
W. G. Caudill,	Frank S. Moore,	S. C. Roberts,
J. R. Claypool,	R. H. Moss,	S. M. Russell,
Z. T. Coleman,	H. J. Meyers,	H. A. Schoberth,
M. G. Colson,	Ben E. Niles,	S. A. Shanklin,
Albert J. Counts,	W. H. Newell,	W. Logan Shearer,
Peter J. Cosgrove,	L. C. Owings,	W. H. Southall, Jr.,
S. F. Crabtree,	S. P. Parks,	John S. Steers,

C. F. Crecelius,	C. C. Patrick,	J. J. Taylor,
W. B. Creekmore,	J. W. Perry,	Geo. C. Waggoner,
Wm. S. Dean,	W. F. Pitman,	Edward A. Weber,
H. C. Duffy,	G. H. Plitt,	W. R. Whitlow,
G. G. Frazier,	Marion F. Pogue,	L. F. Withers,
H. T. Gartin,		—55

Those who voted in the negative were—

W. Price,

Resolved, that the title hereof be as aforesaid.

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 27. An act to amend an act for the government of cities of the fourth class approved June 28, 1893, relating to the reconstruction of public ways of cities of the fourth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3565 of the Kentucky Statutes as compiled by John D. Carroll, being a part of the charter of cities of the Fourth Class, be repealed, and that there be enacted in lieu thereof the following:

§ 1. The cost of reconstructing public ways, streets or alleys or repairing of same, and the cost of making foot-way crossings, shall

be borne exclusively by the city, provided however, that in the reconstruction of any street, or alley, or any part thereof not less than one square, the board of council may, by ordinance, upon the petition of the owners of a majority of the front or abutting feet of the real estate fronting or abutting on such proposed improvement, or without a petition by an affirmative vote of two-thirds of the members elect of said board of council, provide that such reconstruction of such ways including intersections shall be made, one-half at the cost of the owners of the real estate fronting or abutting on such improvement and the remainder thereof at the cost of the city, provided further, that where such improvement is made on streets or public ways occupied or used by street railroad companies or other railway companies, then and in that event, such company so occupying such street so improved, shall pay the cost of the reconstruction of that portion of the street, between the rails of its track or tracks, and for a distance of eighteen inches on the outside thereof, and where there is a double track it shall also pay in addition thereto, all of the cost of the improvement of the street between said double tracks, the same to be estimated by the city engineer and paid in the same manner as other persons, or the city which is responsible for their or its portion of said work.

Such cost of reconstruction which is to be paid by the property owners shall be apportioned among and assessed upon the lots or parcels of real estate, and the owners thereof, abutting or fronting on such improvement, according to the number of front or abutting feet, and there shall be a lien in favor of the contractor upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest at the rate of six per centum per annum from the time the assessment is made. All such liens may be enforced by action.

Mr. Weber offered the following amendment to said bill:

Amend by striking out the words "or other railway company" in lines 14 and 15.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
Frank J. Brown,
Frank J. Brown,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
Robt. C. Hill,
John W. Holland,
S. B. Johnson,
W. G. Keen,
Wm. F. Klair,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
W. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. Logan Shearer,
John S. Steers,
J. J. Taylor,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
L. F. Withers,

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Those who voted in the negative were—

R. H. Akin,	L. R. Ray,	W. H. Southall, Jr.,
O. M. Kelsey,	W. H. Shanks,	J. R. Zimmerman,

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Resolved, that the title thereof be as aforesaid.

Mr. Weber moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 95. An act to amend and re-enact Sections 4703 and 4704 of Chapter 127, Kentucky Statutes compiled by John D. Carroll and issued in 1903, the title of said Chapter being Treasury Warrant Claims.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4703, Chapter 127, entitled "Treasury Warrant Claims" of the Kentucky Statutes, compiled by John D. Carroll and issued in 1903, be, and the same is now hereby repealed, and that there is hereby enacted in lieu thereof the following:

"Any actual settler on any vacant and unappropriated land shall have a pre-emption right to any number of acres, not exceeding one hundred, to be laid off as nearly as possible in a square, his improvements in the center. Before any other person shall locate the same, three months' notice of intention to do so must be given to the actual

settler, in which notice the land intended to be taken up or appropriated must be described.

"If the settler shall not, within three months from the giving of such notice, proceed to have the same patented, as by this act authorized, then the person giving the notice may proceed hereunder.

"Any person who desires to appropriate any vacant and unappropriated land in this Commonwealth, may do so in the following manner:

"He shall first cause to be published, at least once a week, for three consecutive weeks, in some newspaper published in the county where the land lies, if any newspaper be published therein, a notice, over his signature, addressed to the adjoining land owners, that upon the first day of the regular term of the County Court convening next after the expiration of such three weeks, he will file in said court an application to appropriate, and procure patent for, the land in the notice described.

"In addition thereto, he shall cause similar written or printed notices to be posted for at least twenty days next preceding the filing of the application, one at the front door of the court house, and four others at the most public places in the vicinity of the land sought to be appropriated.

"If there be no newspaper published in the county, the posting of the notices herein required shall be deemed sufficient.

"The notices so published and posted shall contain a general description of the land sought to be appropriated, so that it may be identified, the estimated number of acres, and shall state the time at which the application shall be filed.

"On the day specified in the notice, he shall file in the County Court a written and verified application, which application shall contain a general description of the land sought to be appropriated, so that it

may be identified, the estimated number of acres therein, the names of the adjoining land owners, and a statement that the land is vacant and unappropriated, and has not been previously entered, surveyed or patented, that there is no actual settler on any of the land sought to be appropriated, or if there be an actual settler thereupon, that the applicant give to him the three months' notice herein, and that such actual settler has not proceeded to have the land patented, and that the notices herein required have been published and posted, in accordance with the provisions hereof; and there shall be filed with the application a copy of said notice. And such application shall be deemed an entry.

"He shall also tender with his application a bond to the Commonwealth, with good and sufficient security, to pay all costs of the proceedings to appropriate the land, which bond, if in due form and signed by sufficient sureties, shall be approved by the court; and the court may from time to time require different or additional sureties.

"If no objection be filed the court shall thereupon enter an order directing the surveyor of the county to accurately survey the land and report to the court a description thereof an accurate calculation of the number of acres; and at the same time the court shall appoint three impartial, intelligent and disinteresting housekeepers of the county as appraisers, who shall appraise the fair cash value of the said land per acre, and whose report shall be filed with the surveyor's report.

"The surveyor shall, within thirty days after the entry or the order, proceed to survey the land sought to be appropriated, bounding the same by plainly marked trees, stones or stakes, noting where it bounds on a watercourse or the line of another survey, giving names; he shall actually survey the entire tract, and no part thereof shall be laid down by protraction. The survey shall be made in the presence of two disinterested housekeepers as chainmen, whose names shall be placed at the bottom of the plat and certificate.

"The surveyor shall file his verified report, and the report of the appraisers, at the first regular term of the court after the completion of the survey. The surveyor's report shall, in addition to giving an accurate description and plat of the land, contain a certificate to the effect that he actually surveyed the entire tract; that no part of it is laid down by protraction, and that the land is, or is not, as the case may be, in his opinion, vacant and unappropriated, and subject to appropriation.

"If, upon filing the report of the surveyor and appraisers, the court is satisfied that the land sought to be appropriated is vacant and subject to appropriation, it shall determine the amount to be paid therefor, and upon payment by the person seeking to appropriate the same of the value thereof as fixed by the court, and all costs for which he may be liable hereunder, the court shall make an order showing such facts and directing the surveyor of the county to make and deliver to such person a plat and certificate of the survey.

"If the court is satisfied that the land is not vacant, or not subject to appropriation, it shall so enter an order and dismiss the application, at the costs of the applicant.

"In determining whether or not the land sought to be appropriated is vacant and subject to appropriation, the court may, upon its own motion. require the production of evidence.

"The cost of the proceedings to appropriate the land, except the register's fee, shall be paid out of the amount realized for the land, if it be sufficient, otherwise to be paid by the person seeking to appropriate the land.

"Before delivering to the person seeking to appropriate the land a plat and certificate of the survey, the surveyor shall make an accurate record thereof upon the records of his office.

"At any time before the court enters the order directing the surveyor to make and deliver to the applicant a plat and certificate of the land, any person may file verified objections thereto, upon the ground that the land is not vacant or unappropriated, or not subject to appropriation. Whereupon the court shall hear such evidence as either party may offer, and shall enter an order in accordance with his finding. Either party, feeling aggrieved, may prosecute an appeal to the Circuit Court, within thirty days, in the manner and upon executing bond as required by law. The Circuit Court, without the intervention of a jury, shall hear and determine the matter *de novo,* and its judgment shall be final. The judgment of the Circuit Court shall be certified to the County Court, and it shall enter orders and judgments in accordance therewith.

"In all controversies relative to the land, should a patent be issued the rights of the parties shall be determined by the strength of their respective titles, without reference to the proceedings hereunder, and neither such proceedings nor the issuance of the patent shall be deemed evidence against the persons named in the motion herein required, nor against such persons as may file objections as herein authorized, nor shall the same be deemed evidence that the land was vacant or unappropriated or subject to appropriation.

"No one person shall, under this chapter, survey, appropriate, or cause to be patented, more than two hundred acres of land in one county, but a person may, in the same notice and application, appropriate two or more separate parcels of land, provided that they do not exceed two hundred acres in all."

§ 2. That Section 4704 of the said chapter be, and the same is hereby repealed, and that there is hereby enacted in lieu thereof the following:

"A plat and certificate of the survey must be made by the surveyor when directed by proper order of the court, and recorded in his books,

and the original thereof and a copy of the order of the court under which the plat and survey is made must be deposited in the register's office, within six months after the entry of the order of the court directing the same to be made.

"A patent may issue on the survey within three months after a plat and certificate thereof, and a copy of the order directing same to be made, are filed in the register's office.

"When a survey has been carried into grant, the register shall write across the face of the order, directing the plat and certificate of survey to be made, "satisfied," and sign his name thereto.

"The legal title of the land shall bear date from the time of making the survey.

"One year from the time this act takes effect is allowed for returning all surveys theretofore made, but if the survey was made six months before the same was deposited with the register, the title shall take its date from date of the patent.

"None but vacant land shall be subject to appropriation under this chapter. Every entry, survey or patent made or issued under this chapter shall be void, so far as it embraces lands previously entered, surveyed or patented.

"The register may receive plats and certificates of survey after the expiration of the time herein allowed for returning the same; but in such case the legal titles shall take effect only from the date of the patent.

"No land shall be subject to appropriation under this chapter that has reverted to the Commonwealth by escheat, or has been forfeited for an omission to list the same for taxation, or failing to pay the taxes thereon, or which has been once patented, and the title of the same has in any way become again vested in the Commonwealth.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

Ordered that the said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	W. F. Pitman,
W. D. Allbright,	L. B. Herrington,	Marion F. Pogue,
J. W. Berkshire,	Robt. C. Hill,	W. Price,
Eli Berry,	John W. Holland,	R. A. Read,
T. M. Bertram,	Hite Huffaker,	Geo. W. Reid,
O. Houston Brooks,	S. B. Johnson,	G. T. Reynolds,
Frank J. Brown,	W. G. Keen,	H. T. Rich,
J. T. Bnford,	O. M. Kelsey,	S. C. Roberts,
W. G. Caudill,	Wm. F. Klair,	S. M. Russell,
J. P. Chinn,	J. H. Lackey,	S. A. Shanklin,
Sidney G. Clay,	Frank S. Moore,	W. H. Shanks,
J. R. Claypool,	Ben E. Niles,	W. Logan Shearer,
Z. T. Coleman,	L. C. Owings,	J. W. Turner,
M. G. Colson,	S. P. Parks,	Geo. C. Waggoner,
Peter J. Cosgrove,	C. C. Patrick,	W. R. Whitlow,
S. F. Crabtree,	J. W. Perry,	J. H. Williams,
C. F. Crecelius,	W. V. Perry,	L. F. Withers,
W. B. Creekmore,	John C. Pirtle,	J. R. Zimmerman,
H. C. Duffy,		—55

Resolved, that the title thereof be as aforesaid.

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 71. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth" which became a law March 5, 1898.

Mr. Duffy moved that the further consideration of said bill be postponed until Tuesday next the 8th instant at 11 o'clock A. M.

Said motion was agreed to.

At the instance of the Committee on Rules,

The committee on Education No. 1, to which the same had been recommitted reported a bill entitled:

H. B. 461. An act to provide for a more efficient system of common schools throughout the State, to create county boards of education and to provide for the government and regulation of the common schools.

Together with sundry amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

COUNTY BOARDS OF EDUCATION.

SUBDISTRICT TRUSTEES.

GENERAL REGULATIONS.

§ 1. Each and every county in this Commonwealth shall constitute one school district, except that where there is a city in any county maintaining a separate system of common schools in accordance with the law for cities of its class, or a graded common school district,

established under special charter or general law, supplementing the State school fund by a local tax of not less than twenty cents on each one hundred dollars of property assessed within said district, then the balance of said county outside of such city or graded school district shall constitute a school district, except as hereinafter provided.

§ 2. The County Board of Education of each county, as hereinafter provided, shall divide the county school district, as defined in Section 1, into four, six or eight educational divisions, as may seem expedient, containing as nearly as possible equal numbers of children of school age, both white and colored, as shown by the last school census. It shall then subdivide each of the said educational divisions into so many school subdistricts for white children and school subdistricts for colored children so laid off as to equalize as nearly as possible, in the judgment of the board, the opportunities offered public children. The boundary of any school subdistrict for white children shall not include fewer than thirty white children of school age.

SUBDISTRICT TRUSTEES.

§ 3. On the first Saturday in August of each year an election, from the hours of 1 until 5 o'clock in the afternoon, shall be held at the school building in each subdistrict of this Commonwealth in which the term of office of the trustee is expiring, for the purpose of electing one trustee for said school subdistrict, and the trustees so elected shall hold office for a term of two years and until their successors are duly elected or appointed and qualified as herein provided.

Due notice of such election shall be posted by the trustee at three of the most public places in the subdistrict for ten days immediately preceding the day of election.

§ 4. Only white persons shall be eligible to the office of school trustee for white schools, and only colored persons shall be eligible for

school trustee for colored schools who is over twenty-one years of age, and who has been a resident of the subdistrict for which he is elected for sixty days before the election, and who is able to read and write, as shown by a certificate of five reputable citizens of the subdistrict, and only white male persons over twenty-one years of age, who shall have resided in a school subdistrict for sixty days next before an election, shall have the right to vote at such election for white school trustees, and only colored male persons having same qualifications shall have the right to vote at such elections for colored trustees.

§5. The vote for trustee in such election shall be taken viva voce. The officers shall be a clerk and two judges who shall be residents of the district and be chosen by the voters at the opening of the polls. The said officers shall be the judges of the qualifications of each voter as prescribed in this act, and shall certify the returns of the election to the County Superintendent of Schools within five days after said election.

§ 6. It shall be the duty of the trustee in each subdistrict to certify to the monthly and annual reports of the teacher, to personally supervise the school or schools in his subdistrict, and to report the needs thereof from time to time to the member of the County Board for his educational division, together with such recommendations as he may deem necessary for the best interests of said school. All such reports and recommendations shall be in writing. Said member of the County Board shall refer such reports to the County Board at its next regular meeting, with his recommendations on same.

§ 7. It shall be the duty of the trustee of each subdistrict annually, during the month of April, to take, or cause to be taken, an exact census of all children that reside in such subdistrict on the first day of April who will be, on the first day of July following, between the ages of six and twenty years, and on or before the first day of May to report a list to the County Superintendent, specifying the name, age and sex

of each child, and the names of the parents or guardian, and a duplicate list to the clerk of the County Court to be entered in a book furnished him by the State, and kept as part of the records of his office. For the faithful performance of this duty he shall be allowed and paid from the county school fund the sum of five cents per pupil child reported in such census. Should any trustee or his representative willfully add to the list of names of persons not entitled to be placed thereon, or otherwise knowingly make a false list the person or persons thus offending shall, in addition to being liable to punishment for the crime of false swearing, be subject to a fine of not less than fifty dollars; and should any other school officer be a party to such fraudulent lists, or in any way aid in the commission of such fraud, he shall be liable to the——

§ 8. The County Superintendent of Schools shall within fifteen days after the election of said trustees call a meeting of them to be held at the county seat for the purpose of electing one of their number from each educational division a member of the County Board of Education. Said trustees to be notified in writing by said Superintendent of Schools of the time of such meeting.

Upon the day fixed by the County Superintendent, said trustees shall qualify and immediately proceed to elect a County Board of Education, one member from each Educational Division.

The County Superintendent shall be chairman of the meeting, but shall not vote.

The election shall be by ballot, and a majority vote of the trustees present shall be necessary to a choice.

§ 9. Any vacancy that may exist in the trusteeship of any school subdistrict shall be filled by appointment of the County Superintendent upon recommendation of the member of the County Board from the subdivision in which vacancy exists until the next meeting of the County

Board of the county of which said subdistricts is a part, when such appointment may be confirmed or another person elected by the County Board.

Should a vacancy occur in the membership of the County Board, the County Superintendent shall call a meeting of the subdistrict trustees of the division in which such vacancy exists, and the unexpired term shall be filled as provided in Section 8 of this act.

§ 10. It shall be the duty of the subdistrict trustees to nominate to the County Board in writing one or more teachers for each school in his subdistrict and to place such nominations, accompanied by the teacher's credentials, in the hands of the County Superintendent by July first of each year.

§ 11. No trustee shall be allowed to buy any teacher's claim, directly or indirectly, under the penalty of removal from office by the County Board. Any teacher who shall offer or give, directly or indirectly, and any trustee who shall ask or accept, directly or indirectly, either for himself, for another, for the district, the school or the schoolhouse, any valuable consideration other than the services of the teacher for employing, or for being a party to employing such teacher, shall be deemed guilty of bribery, and, upon indictment and conviction thereof, shall be fined as provided by law for punishment of bribery.

COUNTY BOARDS.

§ 12. The County Board of Education of each county shall be a body politic and corporate by that name, and shall consist of the County Superintendent of common schools and one member elected from each educational division of such county as hereinbefore provided.

§ 13. The County Superintendent of common schools shall be ex-officio chairman of the County Board, and in his absence, the members present shall elect a chairman *pro tempore*.

§ 14. The Board shall elect a Secretary from its membership, who shall keep a faithful record of the proceedings of the board. Said record shall be signed by the Chairman, or in his absence, by the Chairman pro tempore and by the Secretary, and shall, at all times, be open to inspection of persons concerned.

§15. A majority of the members shall constitute a quorum of the Board for the transaction of business.

§ 16. Meetings of the board shall be held upon the call of the Chairman at such time as he may direct, but he shall call a meeting upon the written request of three members, and shall always give due notice to all members of the time and place of meeting.

§ 17. Each member of the County Board, except the County Superintendent, shall be paid from the county school fund three dollars for each day's service on the board, but no member shall be paid for more than twelve days' service in one year, either for actual attendance upon meetings of the board, or for inspecting the schools and school property of his division in company with the County Superintendent.

POWERS AND DUTIES.

§ 18. The County Board of Education shall have full power when necessary, to lay off or establish new educational divisions and school subdistricts, or to change the boundaries of those already established.

§ 19. The County Board of Education shall have full power to distribute the annual per capita appropriation from the State school fund, among the subdistricts of the county, for the payment of teachers, in such proportion as will, in the judgment of the board, most nearly equalize the opportunities offered to the pupil children of each subdistrict, provided that no principal of an elementary school shall receive

from the State School fund a salary of less than thirty-five dollars per school month.

§ 20. (a) The County Board of Education shall have the power to purchase, lease or rent school sites, to build, to repair and to rent school houses, purchase maps, globes, charts, school furniture, or other apparatus necessary to the efficient conduct of the schools of the county, and said County Board is hereby vested with the title, care and custody of all school houses, sites, or other property belonging to the subdistricts of their several counties, and when, in the opinion of the board, any site for school house has become unnecessary, it may sell and convey the same in the name of the County Board of Education.

(b) It shall have the power to condemn any real estate necessary for school purposes in any subdistrict and may proceed to do so in the manner provided by law for the condemnation of lands for railroad purposes.

(c) It shall have the power to receive any gift, grant or donation for the use of the schools within the county, and all conveyances of real estate which shall be made to said County Board of Education shall vest the property in said Board and their successors in office for the use and benefit of the schools of the county.

§ 21. It shall be the duty of the County Board of Education to estimate and lay before the Fiscal Court of the county the educational needs thereof, and said court shall levy a tax for school purposes in accordance with such estimate, provided said estimate does not require a levy of more than seventeen cents on each one hundred dollars of assessed valuation of property in the county, and a poll tax not exceeding fifty cents; but at the request of the County Board, the court may, in its discretion, increase such ad valorum tax levy to a sum not exceeding twenty cents on each one hundred dollars, and such poll tax to a sum not exceeding one dollar, and the sheriff shall collect this tax as other State

and county taxes are collected. Provided, no tax for school purposes shall be levied under this act upon property in cities and towns maintaining a first class system of common schools in which all grades are already taught to the satisfaction of the State Board of Education, and upon property in school districts exempted under the provisions of Section 1 of this article. When the tax so levied shall have been collected by the sheriff of the county, he shall turn over to the County Superintendent of Schools the amount of money so levied and collected, and the County Board shall expend the money so received in the building, improvement and equipment of school houses, for the purchase and condemnation of necessary real estate, for the payment of teachers, purchasing necessary supplies, and the extension of the school term in the various subdistricts throughout the county, as in its judgment the needs of the individual schools for white and colored pupils demand. No funds shall be paid out except on the order of the County Board, signed by the chairman and countersigned by the Secretary. Provided, the County Superintendent of Schools shall pay the salaries of teachers monthly out of the money on hand for that purpose, upon the signed report of the teacher and trustee of any subdistrict that the time has been taught.

§ 22. It shall be the duty of the County Board, through its chairman, to the present an annual financial report to the Fiscal Court of the county on the date specified by that court for receiving said report. The books and records of the County Board shall be open at all times for the inspection of any citizen of the county.

§ 23. It shall be the duty of the County Board to meet in the office of the County Superintendent on such day during the month of June in each year as may be selected after ten days' notice by the chairman to each member of the board for the purpose of electing teachers for the common schools of the county.

The chairman shall present to the board all nominations by subdistrict trustees and all credentials received by him, and the board shall

elect for each subdistrict the teacher or teachers nominated by the trustee thereof when such teacher possesses the necessary legal qualifications and no reasonable objection is offered.

Should the County Board reject any nomination or should any trustee fail to nominate a teacher for his subdistrict, the chairman shall immediately notify such trustee and request further nominations. When vacancies exist, the County Board shall meet on the last Saturday in July and August of each year for the purpose of filling such vacancies.

§ 24. Teachers in the common schools shall be elected for one school year, but may be removed by the County Board employing them at any time for incompetency, neglect of duty or immoral conduct.

§ 25. Contracts with all teachers shall be in writing, signed in duplicate by the teacher, by the chairman of the County Board, and by the trustee of the subdistrict of the county in which the teacher is employed.

§ 26. It shall be the duty of each member of the County Board of Education to report in writing the exact status of the educational affairs of his educational division to the County Board for consideration at least twice each year, and at such other times as the Chairman of the County Board may require.

§ 27. Upon the petition of ten legal voters of any school subdistrict, the County Board of Education shall submit to the legal voters of said subdistrict the question whether or not a tax shall be levied up on the taxable property in such subdistrict in any school year for local school purposes; and an ad valorum tax may be so voted not to exceed twenty-five cents on each one hundred dollars of taxable property. Such questions shall be voted on at the regular school election held, as provided by this act, first Saturday in August. At least 15 days

notice that such question will be voted on at any school election shall be given by written or printed hand-bills, posted in at least five conspicuous places in such subdistrict. The returns of said election shall be made to the chairman of the County Board of Education, and said Board shall meet within seven days after such an election and canvass the returns, and if it be ascertained that a majority vote in such subdistrict was cast in favor of such tax, said Board shall, on its minute book, enter an order levying such tax in such subdistrict and it shall be the duty of the sheriff of the county on his official bond to collect such tax and hold the same subject to the order of the County Board of Education for the benefit of the subdistrict voting such tax, and said sheriff shall receive the same compensation therefor as for collecting State and county revenue.

FRACTIONAL SUBDISTRICTS.

§ 28. With the concurrence of the county boards, the county superintendents of two adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a subdistrict composed of parts of both counties.

The selection and payment of teachers and general control of such subdistricts shall be lodged in the county board of the county in which the school building is located, but the County Board of the other contracting county shall pay such proportion of the total expense of conducting said school as may be mutually satisfactory and stated in a written contract, which contract shall also state definitely the boundaries of such fractional subdistrict. Said contract shall be spread upon the minutes of each board, and duplicate copies signed by the president and secretary of each board shall be filed in the office of the county clerk of each of the contracting counties.

§ 29. In the subdistricts thus constituted, one trustee, who may reside in either fraction, shall be elected from the subdistrict at large, but said trustee shall be deemed a resident of the educational division of the controlling county as hereinbefore provided. The duties of the trustee of such fractional subdistrict shall be the same as those of other subdistrict trustees, save that in making a census of the children of school age residing in the subdistrict, he shall list the children of the two counties separately, and make returns to each county superintendent of the children residing in the respective counties.

CONSOLIDATED SCHOOLS.

§ 30. The County Board of any county shall have the power to consolidate with reference to the needs of either white or colored children, or any two or more contiguous school subdistricts, and in case of such consolidation, school houses shall be built or acquired, located at some point convenient to the patrons of such consolidated school district, and of sufficient capacity to accommodate the pupil population of such consolidated school subdistrict, and such schools shall be called and known as consolidated schools. Teachers for such consolidated schools shall be employed in the same manner as for school subdistricts. The monthly and annual reports of teachers so employed shall be validated by the signature of the trustee of the subdistrict in which the consolidated school is located.

The board may also provide for the free transportation of pupils to and from school under such rules and regulations as it may prescribe. Contracts for such transportation shall be let to the lowest and best bidder, and all expenses thereof shall be paid out of the county school levy.

HIGH SCHOOLS.

§ 31. On or before the tenth day of September, 1910, there shall be established by the County Board of Education of each county one or more county high schools so located as to the best meet, in the judgment of the board, the needs and convenience of the people. Provided, there is not already existing in the county a high school of the first class; if such school already exists, and if the County Board may be able to make such an arrangement with the trustees or the Board of Education of said high school as will furnish to the pupils completing the rural school course free tuition in said high school, then said high school may be considered as meeting the purpose of this law without the establishment by the board of another high school.

§ 32. The county boards of education in the various counties shall have full power and authority to unite with the governing authorities of any city or town in their respective counties for the purpose of establishing a high school for the joint use of the city or town and such county, and to unite with such authorities for the purpose of maintaining such high school if one be already in existence. For this purpose said county boards are hereby given full power and authority to make such contracts as they may deem necessary or proper for the establishment and maintenance of such high schools for the joint use of the county and such city or town. Said contract shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, courses of study, payment of the expenses of the school and the control and discipline of the pupils. Provided, that the total expense of conducting said school, including the interest on buildings and equipment, shall be prorated between the Boards of Education of the city or town and of the county on the basis of the number of pupils enrolled from each during the first month of each term.

§ 33. If a pupil eligible for admission to the county high school shall reside in a portion of the county so remote as to render attendance thereof impracticable, and if there be a high school in an adjacent county conveniently located to his place of residence, then such pupil may petition his County Board, and said board is hereby authorized and empowered to arrange with the County Board of such adjacent county for the tuition of such pupil, provided such tuition shall not be more than that charged other non-resident pupils.

§ 34. The county high schools of this Commonwealth shall be of the first, second and third class. A first class high school shall maintain a four years' course of study, which shall conform to the standard required by the State Board of Education. Such course of study may provide for instruction in manual training, domestic science and elementary agriculture. High schools of the second class shall maintain a course of three years, identical with the first three years of the first class high school. High schools of the third class shall maintain a course of two years identical with the first two years of the first class high school.

§ 35. The County Board of Education of any county is hereby authorized and empowered to order an election and submit to the voters of the county the question whether or not the said Board of Education shall issue bonds in any amount not exceeding the constitutional limit for the purpose of providing suitable grounds, school buildings and apparatus for the county high school. Said election shall be conducted in accordance with the law for bond elections in graded common school districts.

§ 36. When county high schools shall have been established as provided in this act, it shall be the duty of the County Board of Education to employ and fix the salaries of the teachers necessary to the efficient conduct of said high school and prescribe the course of study

to be pursued, but said course of study shall not be below the standard fixed by the State Board of Education as hereinbefore provided. The text books to be used in the required course of said high schools shall be selected by the Text Book Commission as required by law.

§ 37. No tuition in the high school shall be charged graduates of the common schools residing within the common school district as defined in Section 1, but the County Board shall have power to charge a reasonable tuition for pupils residing in graded school or special districts exempt from county taxation for school purposes as provided in Section 1, and to arrange with the boards of trustees of such districts for the payment thereof.

§ 38. No trustee, no member of the County Board of Education and no County Superintendent shall be financially interested, directly or indirectly, in any contract for the purchase of land, the erection or repairs of any school house, the furnishing of supplies or equipment, or the employment of any teacher; and any of said officers so offending shall be guilty of an indictable misdemeanor, and on conviction shall be fined not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, and shall forfeit his office.

§ 39. All laws and parts of laws in conflict with the provisions of this article are hereby repealed.

The Committee on Education No. 1 recommended the adoption of the following amendments to said bill which had heretofore been offered by the persons named below.

By Mr. Holland:

Amend Section 1 by adding to the end thereof the following words "the provisions of this act shall not apply to any graded school district created by special act and having a school fund other than that provided by general law."

Said amendment was agreed to.

By Mr. P. M. Berkshire:

Amend Section 20 by adding at the end of said Section these words "provided that no school shall be deemed unnecessary until a vote of the legally qualified voters of such school district shall have been taken and a majority of such voters shall have voted in the affirmative and no vote shall be taken without first posting notices of said election the same as required in Section 3 of this act in the election of school trustees."

Said amendment was agreed to.

By Mr. P. W. Berkshire:

Amend by striking out Section 27.

Said amendment was agreed to.

By Mr. Craig:

Amend Section 31 by striking out 1910 and inserting in lieu thereof 1912.

Said amendment was agreed to.

By Mr. Faris Roberts:

Strike out Section 4 and insert in lieu thereof the following:

§ 4. At the same time and place and by the election officers who conduct the election for subdistrict trustees an election shall be held for the purpose of electing a visitor for the colored school or schools of the subdistrict. Such visitor shall be nominated and elected in the same manner as the subdistrict trustees, save that the nominating petition shall be signed by colored voters and that colored voters alone

shall be eligible to vote for such visitor. So far as the colored school or schools of the subdistricts are concerned the duties of the visitor shall be identical with those of the subdistrict trustee for white schools save that such visitor shall not be a member of the County Board.

Said amendment was agreed to.

By Mr. Faris Roberts:

Strike out Section 8 and insert in lieu thereof the following:

Section 8. The County Superintendent of Schools shall meet the trustees elected from the various school subdistricts of each educational division at some point in said division to be designated by him within thirty days after the election in August of each year proper notice having been given in writing to each trustee as to the time and place of such meeting for the purpose of electing one of their number a member of the County Board of Education. The County Superintendent shall be chairman of the meeting but shall not vote. The election shall be by ballot and a majority vote of the trustees elect shall be necessary to a choice.

Said amendment was agreed to.

By Mr. Frazier:

Amend Section 2 by adding in line 11 the words "except in cases of extreme emergency, such emergency to be approved by the County Board of Education and the Superintendent of Public Instruction."

Said amendment was agreed to.

By Mr. Taylor:

Amend Section 19 by striking out the words "provided that no principal of an elementary school shall receive from the State school fund a salary of less than thirty-five dollars per school month.

Said amendment was agreed to.

By Mr. Coleman:

Amend Section 1, line 11, by striking out thirty and inserting twenty-five.

Said amendment was agreed to.

By Mr. Pirtle:

Amend Section 5 by inserting between the words "trustee" and "in" in line 1 the words "and Visitor."

Said amendment was agreed to.

By Mr. Pirtle:

Amend Section 1, line 9 by striking out word "public" and inserting in lieu thereof the word "pupil."

Said amendment was agreed to.

By Mr. Pirtle:

Amend Section 7 by adding at the end thereof the following: "same punishment." For a failure to take such census and report the same within the time and in the manner herein required the trustee shall be liable to a fine of not less than twenty dollars. Said trustee shall not take the census of any child who has moved into the subdistrict from any other State, county or subdistrict since the first day of April, in which the census is taken, unless on the signed statement of the parent or guardian of such pupil child that its name has not been listed in any other subdistrict within the State; but any pupil child who may not have been reported in the subdistrict in which he resides may attend the common school without payment. This Section shall be printed in the census blanks furnished by the Superintendent of Public Instruction.

Said amendment was agreed to.

By Mr. Pirtle:

Amend Section 10 by striking the final "s" from the word "trustee" in line1. Also by striking out the word "July" in line 4 and substituting therefor the words "June the".

Said amendment was agreed to.

By Mr. Withers:

Amend Section 20, Subsection "a" by adding thereto the following: The trustee of each subdistrict may purchase such fuel, chalk, brooms and water buckets as may be necessary for the school of which he is trustee and the County Board of Education shall reimburse said trustee for such sums as he may expend therefor.

Said amendment was agreed to.

By Mr. Withers:

Amend Section 30 by striking out lines 12 to 16 inclusive.

Said amendment was agreed to.

Mr. Duffy offered the following amendment to said bill:

In Section 21, line 3 after the words "said court" insert the words "shall submit to the legal voters of the county the question whether a tax shall or shall not be levied."

Said amendment was disagreed to.

Mr. Duffy offered the following amendment to said bill:

Section 7, line 5, strike out the word "six" and insert in lieu thereof the word "eight."

Said amendment was disagreed to.

Mr. Littrell offered the following amendment to said bill:

Strike out lines 10 and 11 in Section 2, and insert in lieu thereof the following: No subdistrict shall include, except in cases of emergency, fewer than forty-five white pupil children of school age nor in any case less than twenty-five white pupil children of school age. No subdistrict shall be apportioned the per capita of the State fund on subdistrict be apportioned the per capita on more than ninety white pupil children of school age for the payment of one teacher.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	W. F. Pitman,
W. D. Allbright,	Chas. W. Fulton,	G. H. Plitt,
J. W. Berkshire,	H. T. Gartin,	Marion F. Pogue,
P. W. Berkshire,	T. D. Graham,	A. H. Points,
Eli Berry,	F. E. Graves,	J. F. Porter,
T. M. Bertram,	L. B. Herrington,	W. Price,
O. Houston Brooks,	Robt. C. Hill,	L. R. Ray,
Frank J. Brown,	Samuel D. Hines,	R. A. Read,
J. T. Bnford,	John W. Holland,	Geo. W. Reid,
W. G. Caudill,	O. M. Kelsey,	G. T. Reynolds,
J. P. Chinn,	Wm. F. Klair,	J. T. Riherd,
J. R. Claypool,	J. H. Lackey,	S. C. Roberts,
Z. T. Coleman,	L. C. Littrell,	S. A. Shanklin,
M. G. Colson,	Frank S. Moore,	W. H. Shanks,

Peter J. Cosgrove,	R. H. Moss,	John S. Steers,
S. F. Crabtree,	L. C. Owings,	J. W. Turner,
C. F. Crecelius,	S. P. Parks,	W. R. Whitlow,
W. B. Creekmore,	J. W. Perry,	J. H. Williams,
H. C. Duffy,	W. V. Perry,	J. R. Zimmerman,
L. H. Francies,	John C. Pirtle,	—59

Those who voted in the negative were—

Albert J. Counts,	Farris Roberts, Jr.,	J. J. Taylor,
S. B. Johnson,	W. Logan Shearer,	E. E. Trivette,
W. G. Keen,		—7

Resolved that the title thereof be as aforesaid.

Mr. Crecelius moved to reconsider the vote by which bill was passed and that motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 413. An act providing for the inspection of the dirt roads and public ditches by magistrates within their magisterial districts.

Together with the amendment heretofore proposed thereto by the Committee on Public Ditches and Fences by way of substitute therefor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Magistrates in any county where the roads are worked by taxation, to go over and inspect the

dirt roads within their said magisterial districts, and make report to the County Judge of the condition and needs of said roads. Said report to be made in writing and such inspection and report to be made at least once every two months.

§ 2. It shall be the further duty of said Magistrates to have the supervision of all public ditches within their respective districts, and with reference to said ditches shall perform the same duties within their districts as are now performed by the County Commissioner of Ditches.

§ 3. Said Magistrates shall receive as compensation for their services as inspectors of roads and commissioner of ditches a sum not to exceed fifty cents per mile for each mile of dirt road and public ditch located within their magisterial district, said compensation to be fixed by the County Judge, and to be paid out of the county levy.

§ 4. This act shall not become operative in any county of this State except upon its adoption and ratification by the Fiscal Court of such county at the first regular term after the taking effect of this act, and every two years thereafter.

The said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the magistrates in any county having within its boundaries a city of Third Class where the roads are worked by taxation and under the contract system to go over the dirt roads within their said magisterial districts and make a report to the County Judge of the condition and needs of said roads. Said report to be made in writing and such inspection and report to be made at least once every three months in each year and for such services they shall be allowed fifty cents per mile per year.

§ 2. This act shall not become operative in any county of this State except upon its adoption and ratification by the Fiscal Court of such county at the first regular term after the taking effect of this act and every two years thereafter.

Said substitute was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
O. Houston Brooks,
Frank J. Brown,
Frank J. Brown,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
Robt. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Frank S. Moore,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
J. T. Riherd,
S. C. Roberts,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
J. W. Turner,
Geo. C. Waggoner,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

J. H. McWaters, J. H. Williams,

Mr. Niles offered the following amendment to the title of said bill, viz.

Amend the title by striking out the words "and public ditches."

Said amendment was agreed to.

Resolved that the title thereof be as follows, viz:

An act providing for the inspection of the dirt roads by magistrates within their magisterial districts.

The Enrolling Clerk of the House delivered to the Chief Clerk thereof the original and enrolled copy of a bill entitled,

H. B. 187. An act to amend and re-enact Section 32, Article 2, Chapter 22 of an act entitled "An act relating to revenue and taxation," which became a law March 15, 1906, and relating to the compensation allowed assessors and to re-enact said section so amended.

Ordered that the Clerk of the House deliver the enrolled copy of said bill which has been signed by the presiding officers of the House and Senate, to the Governor.

After a time the Clerk reported that he had performed that duty.

The hour of 1:30 o'clock p. m. having arrived, the House adjourned until Monday next at 12 o'clock, meridian.

MONDAY, MARCH 7, 1910.

The House was opened with prayer by the Rev. J. R. Zeigler, of the First Presbyterian Church of Frankfort.

The reading of the journal of the proceedings of Saturday last was dispensed with.

The House took up for consideration from the Calendar bills entitled,

H. B. 502. An act to amend Section 281 of the Codes of Practice in criminal cases.

H. B. 428. An act to amend and re-enact Section 32 of Article 5 of an act for the government of cities of the Second Class of the Commonwealth of Kentucky approved March 19, 1894, said section being Section 3137 Kentucky Statutes Carroll's Edition, 1909.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with they were read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The following bills were introduced, ordered printed and referred,

By Mr. Francis:

H. B. 539. An act to amend an act entitled "An act for preventing

the manufacture and sale of adulterated or misbranded food, drugs, medicine and liquor and providing penalty for a violation thereof.

To Committee on Kentucky Statutes.

By Mr. Lackey:

H. B. 540. An act to use the surplus money collected by the dog tax for the treatment of tuberculosis.

To Committee on Agriculture.

A message was received from the Senate announcing that they had passed bills of the following titles,

1. S. B. 20. An act for the benefit of the Kentucky Institution for the education of the blind.

2. S. B. 87. An act for the benefit of the Kentucky Home Society for colored children.

3. S. B. 123. An act for the benefit of the Kentucky School for the deaf.

4. S. B. 192. An act defining public drunkenness and fixing punishment therefor.

5. S. B. 240. An act to amend Article 4, Section 186d of Chapter 11a, of the Kentucky Statutes, Carroll's Edition, 1909, entitled "An act relating to the bonds of public officials and other bonds required by law."

6. S. B. 308. An act providing for the uniforming, accounting and inspection of public offices in the State of Kentucky and supplementing an act entitled "An act providing for monthly investigations into the accounts of the Treasurer and Auditor of Public Accounts of

the Commonwealth of Kentucky," approved May 24, 1892, and the act entitled "An act concerning the State Inspector and Examiner," approved January 13, 1893, and enlarging and extending the powers of the State Inspector and Examiner and changing his official designation to that of State Inspector.

7. S. B. 311. An act authorizing stock life insurance companies to establish a guarantee fund.

8. S. B. 318. An act to amend Section 4645a, Kentucky Statutes, Carroll's Edition, 1909, increasing the salary of the stenographer to the Governor.

9. S. B. 320. An act requiring Fiscal Courts to levy a tax to create sinking fund for the purpose of erecting and equipping suitable court houses and other public buildings and prescribing penalty for failure to perform such duty.

10. S. B. 331. An act to amend an act entitled "An act prescribing further duties of the Chief Clerks of the Senate and House of Representatives and providing compensation therefor, being Chapter 16 of the Acts of 1908.

Ordered that said bills be printed and referred,

1, 2, 8. To Committee on Appropriations.

3. To Committee on Charitable Institutions.

4. To Committee on Public Morals.

5 and 6. To Committee on Judiciary.

7. To Committee on Insurance.

9. To Committee on Revenue and Taxation.

10. To Committee on Rules.

That they had adopted a joint resolution of the following title, viz:

S. Res. 17. Resolution changing the name of the public road leading from Louisville to Elizabethtown, Kentucky, now known as the Louisville and Nashville Pike and from Elizabethtown through Hodgenville, Kentucky, to the Lincoln farm in Larue County, Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the name of the public road leading from Louisville, Kentucky, to Elizabethtown, Kentucky, known as the Louisville and Nashville Pike and from Elizabethtown, Kentucky, through Hodgenville, Kentucky, to the Lincoln farm in Larue County, Kentucky, be changed to the Lincoln Way, and said road from Louisville to the Lincoln farm shall hereafter be designated and known as the Lincoln Way.

Said resolution was concurred in.

The committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Owings of the Committee on Public Roads and Highways:

H. B. 256. An act creating a fund in the Treasury of the State to be known as the State Road Fund by creating a State road tax and fixing the rate of levy therefor and providing and regulating the collection and disbursement thereof.

With the expression of opinion that said bill ought not to pass.

Mr. Duffy moved that said bill be recommitted to the Committee on Internal Improvements.

Said motion was agreed to.

By Mr. Owings of the Committee on Public Roads and Highways:

S. B. 49. An act defining public roads and providing for their establishment, regulation, construction, use and maintenance and providing for raising revenue in the counties for construction and maintenance of public roads and creating the office of County Engineer and prescribing the duties thereof.

With the expression of opinion that said bill ought not to pass.

Mr. Russell moved that said bill be recommitted to the Committee on Internal Improvements.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Russell and Duffy were as follows, viz:

Those who voted in the affirmative were—

Eli Berry,
T. M. Bertram,
J. T. Bnford,
S. M. Carson,
L. H. Carter,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
L. H. Francies,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Robt. C. Hill,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Don G. McVean,
Frank S. Moore,
R H. Moss,
H. J. Meyers,
S. P. Parks,
J. W. Perry,
W. V. Perry,
G. H. Plitt,
J. F. Porter,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
W. H. Shanks,
W. Logan Shearer,
J. J. Taylor,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

R. H. Akin,	Wm. S. Dean,	W. A. Price,
J. W. Berkshire,	H. C. Duffy,	L. R. Ray,
P. W. Berkshire,	Chas. W. Fulton,	Geo. W. Reid,
J. O. Bogie,	R. Dillard Hunter,	Geo. W. Reid,
O. Houston Brooks,	O. M. Kelsey,	G. T. Reynolds,
Frank J. Brown,	Ben E. Niles,	S. A. Shanklin,
W. G. Caudill,	L. C. Owings,	W. H. Southall, Jr.,
Henry Chunn,	C. C. Patrick,	John S. Steers,
Sidney G. Clay,	John C. Pirtle,	Geo. C. Waggoner,
J. R. Claypool,	W. F. Pitman,	—29

By Mr. Owings of the Committee on Public Roads and Highways:

S. B. 50. An act to create and establish a department of the State Government under and as a part of the Department of Agriculture to be known as the Office of Public Roads, and creating the office of State Commissioner of Public Roads and prescribing the duties and compensation thereof.

Without any expression of opinion.

Mr. Southall moved that said bill be recommitted to the Committee on Public Roads and Highways.

Said motion was agreed to.

By Mr. Littrell of the Committee on Education No. 2.

H. B. 522. An act to provide for fire drills and instruction as to the dangers and prevention of fire in the schools and providing penalties for violations thereof.

By Mr. Porter of the Committee on Railroads.

H. B. 13. An act to compel railroads to give shippers of live stock passes.

With an amendment thereto by way of substitute therefor.

By Mr. Steers of the Committee on Appropriations.

S. Res. 16. Resolution appropriating five hundred dollars for the families of miners who lost their lives in mine explosion at Browder mines, Muhlenberg County.

Said bills and resolution were severally read the first time and ordered to be placed on the Calendar.

By Mr. Porter of the Committee on Railroads.

H. B. 372. An act to regulate passenger traffic.

With the expression of opinion that said bill ought not to pass.

The question being taken on ordering said bill to a reading the opinion of the committee to the contrary notwithstanding it was decided in the negative.

And so said bill was rejected.

A message was received from the Governor in writing as follows, viz:

MESSAGE OF AUGUSTUS E. WILLSON, GOVERNOR OF KENTUCKY, TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY,

MARCH 7, 1910.

To the Members of the Senate and House of Representatives:

GENTLEMEN: I have the honor to transmit herewith the letter of Mr. Walter George Smith, President of the Conference of Commissioners on Uniform State Laws, with the draft of an act to establish a Board of Commissioners for the promotion of uniformity of legislation

in the United States. I should not ask your attention so late in the session were it not that it seems a very reasonable measure and that few things which you can do would be more useful to the State.

When it was first proposed to make regular standard sizes of nails, screws, nuts and bolts instead of each factory making its own size, or to make all railroads of the same guage, it was declared impossible, but it has been done and it has cheapened freights, passenger rates and the constant, universal necessities probably about half of their former cost and been a great blessing.

Kentucky has taken a very honorable part in the movement for uniform or standard laws to save the external tax of having to have lawyers advise every time you cross a State line, on different laws about things which everybody uses. Of course there is nothing more sensible than having the same law about things which are just the same in every locality. I cling strongly to our own local chraacter and traditions in things which have local character or significance, but I could not see the sense of Kentucky nails or screws or nuts or bolts being different from those in Ohio or New York. It is only a loss and disadvantage. All of us know that the law of sales ought to be the same all over the world, but in many ways the law of sales is different in each State without any earthly local good from the difference. We have adopted the negotiable instruments law, and now if we go to New York or people from New York come here, we know the law of negotiable instruments in our State and in many other States just as soon as we know our own law. The same care has been given by men of great ability and intelligence, especial fitness, using the greatest conservation to uniform laws for sales, for warehouse receipts and for bills of lading, which are standard laws just like the negotiable instruments law. There is no good reason why there should be a different way of making a valid will in Kentucky from any other State. Every State has wills to put on record and carry out, and whether two witnesses or one

witness or three witnesses are necessary, a man ought to be able to know anywhere on earth from the people's talk how many witnesses he must have to make a valid will. There ought to be no difference in any part of the world as to the legal requirements. The same thing is practically true of the laws of marriage and divorce so far as our own country is concerned, and there are many other rules and laws of business and trade and life which are absolutely universal and should be standardized and thus save the people a never-ending and a very heavy expense and tax, which is absolutely needless, but in order to keep in touch with these things, we ought to have some men chosen, whose duty it is to attend to them. If the word "Commissioners" is not agreeable, we could substitute a Board of Citizens, but it should be the business of some of the best men in the State to co-operate with Commissioners appointed now in many other States for the same purpose and all working to the same end, so that instead of these laws being made up for us to consider hereafter without our advice or help, no matter how wise or good, the men making them, we shall have our part in putting all of these needed standard laws into shape. It will help bring them nearer to the Kentucky rules now in force and make the change less. This bill involves no expense except the actual traveling and other necessary expenses in discharge of the official duty, which must be audited by the Board and approved by the State Auditor, and they must make an annual report of their doings.

This is only one of the great many things which the Legislature has no chance to attend to in its sixty days session, and the same trouble you have had will fall on the next General Assembly, and the only way we can do to keep Kentucky in line with what is best for us is to make it the duty of some wisely chosen men to look up these matters and make a report for the next General Assembly. It will have no binding obligation and its only force will be such good sense as good men properly selected will present as a result of the work they have done as Commissioners, and as it is not paid work, it will be the fruit

of the highest and most honorable public spirit prompting such men to do this work. It is a blessing that Kentucky has had so many men in the past who have been willing to give valuable time and their best thought and feeling to the service of the people without pay and often without even having their expenses paid. Such men can be found who will do this work and do it nobly without any pay, but it is best for the State and due to such men that they should be officially recognized and it ought to come from the General Assembly. The Governor dislikes to assume to appoint men to do this public work, and only does that when the General Assembly is not in session and it is impossible to secure their action.

I trust that this act will commend itself to your wish to help the State and will receive unanimous approval.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

Said message was read at length and ordered to be spread upon the journal.

Ordered that said message be referred to the Committee on Executive Affairs.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 407. An act authorizing the Fiscal Court in each county to purchase such official records, blanks, stationery and office supplies as are necessary to the transaction of official business and for which there is now no provision of law, authorizing the purchase of said articles.

With an amendment thereto as proposed by the Committee on County and City Courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Fiscal Court of each county is authorized and directed, from time to time, as needed, to purchase such blank indictments, warrants, summonses, subpœnas, attachments, executions, capias pro fines, commitments, bonds, releases, receipts, notices and all other official blanks, orders or processes of courts, and all indexes, records, stationery and office supplies as are necessary in transacting the business of the offices of Sheriff, County Court Clerk, Coroner, Circuit Court Clerk, Jailer, County Judge, Surveyor, County Attorney, Road Supervisor, Justice of the Peace and Constable and for which there is now, no provision of law, authorizing the purchase of said articles. All articles purchased by a Fiscal Court by authority of this act shall be paid for out of the general fund of its county levy.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. Whereas, there are a number of articles which are necessary for the prompt transaction of the business of the various county offices, for which the Fiscal Courts have no authority by statute to purchase, an emergency is hereby declared to exist, and this act shall take effect immediately upon its approval by the Governor.

Said amendment is as follows, viz:

After the word "county" in line 1 of Section 1 strike out the words "is authorized and directed from time to time as needed to" and insert in lieu thereof the word "nay."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Chas. W. Fulton,	R. A. Read,
W. D. Allbright,	T. D. Graham,	Geo. W. Reid,
Eli Berry,	F. E. Graves,	G. T. Reynolds,
T. M. Bertram,	Samuel D. Hines,	H. T. Rich,
J. O. Bogie,	John W. Holland,	Farris Roberts, Jr.,
O. Houston Brooks,	Hite Huffaker,	S. C. Roberts,
Frank J. Brown,	S. B. Johnson,	Sam'l L. Robertson,
J. T. Bnford,	O. M. Kelsey,	S. M. Russell,
S. M. Carson,	Wm. F. Klair,	H. A. Schoberth,
L. H. Carter,	J. H. McWaters,	S. A. Shanklin,
W. G. Caudill,	Don G. McVean,	W. Logan Shearer,
Henry Chunn,	Frank S. Moore,	W. H. Southall, Jr.,
Z. A. Clore,	R. H. Moss,	John S. Steers,
Peter J. Cosgrove,	Ben E. Niles,	E. E. Trivette,
S. F. Crabtree,	L. C. Owings,	Geo. C. Waggoner,
C. F. Crecelius,	S. P. Parks,	Edward A. Weber,
W. B. Creekmore,	C. C. Patrick,	W. F. Welch,
Wm. S. Dean,	W. V. Perry,	W. R. Whitlow,
H. C. Duffy,	John C. Pirtle,	L. F. Withers,
L. H. Francies,	G. H. Plitt,	J. R. Zimmerman,
G. G. Frazier,		—61

Those who voted in the negative were—

Z. T. Coleman,	J. W. Perry,	J. T. Riherd,
L. C. Littrell,	L. R. Ray,	—5

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 199. An act to amend Sections 524 and 525, Chapter 30, Kentucky Statutes entitled Convict Made Goods—Coal, Coke.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 524, Chapter 30, of the Kentucky Statutes of 1909, edited by John D. Carroll, be and the same is hereby amended by striking out the words "Except the State of Kentucky" in the fourth line thereof, so that said section, when amended, shall read as follows:

§ 524. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishments in which convict labor is employed in any State and imported, brought or introduced into the State of Kentucky shall, before being exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

§ 2. That Section 526, Chapter 30, Kentucky Statutes of 1909, edited by John D. Carroll, be and same is hereby amended by striking out the words "Except the State of Kentucky," beginning at the end of line 3 in said section and ending in line 4, so that said section when amended shall read as follows:

§ 526. It shall not be lawful for any person dealing in this State in any such convict made goods, wares or merchandise, manufactured in any State, knowingly to have the same in his possession for the purpose of sale, or to offer the same for sale without the brand, mark or label required by this act, or to remove or to deface such brand, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars or to be imprisoned for a term not exceeding twelve months, or both in the discretion of the jury or court trying the case.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
W. C. Caudill,
J. P. Chinn,
Sidney G. Clay,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
F. E. Graves,
Robt. L. Harris,
John W. Holland,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,

J. R. Claypool,	Ben E. Niles,	John S. Steers,
Z. A. Clore,	L. C. Owings,	Geo. C. Waggoner,
Z. T. Coleman,	S. P. Parks,	Edward A. Weber,
M. G. Colson,	C. C. Patrick,	W. F. Welch,
Peter J. Cosgrove,	John C. Pirtle,	W. R. Whitlow,
S. F. Crabtree,	G. H. Plitt,	L. F. Withers,
C. F. Crecelius,	J. F. Porter,	J. R. Zimmerman,

—63

Those who voted in the negative were—

J. T. Riherd,

Resolved that the title thereof be as aforesaid.

Mr. Russell moved the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 423. An act to amend Section 4748b, Subsection 5, Carroll's edition of the Kentucky Statutes of 1909, entitled Fiscal Courts, to acquire roads if proposition carries—tax levied and disposition thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4748b, Subsection 5, Kentucky Statutes, be and the same is hereby amended by adding thereto the following: But the Fiscal Court of any county in the State may acquire by purchase any

turnpike road, or part thereof, without the election herein provided for: Provided, such Fiscal Court shall not expend more than $10,000 in such purchase in any one year.

Mr. McVean offered the following amendment to said bill:

Amend by inserting after the word "State" in line 3 the following: "containing cities of the Second Class."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	R. A. Read,
W. D. Allbright,	Chas. W. Fulton,	Geo. W. Reid,
J. W. Berkshire,	F. E. Graves,	G. T. Reynolds,
P. W. Berkshire,	Robt. L. Harris,	H. T. Rich,
Eli Berry,	John W. Holland,	J. T. Riherd,
O. Houston Brooks,	O. M. Kelsey,	S. C. Roberts,
Frank J. Brown,	Wm. F. Klair,	Samuel L. Robertson,
J. T. Bnford,	J. H. Lackey,	S. M. Russell,
S. M. Carson,	L. C. Littrell,	H. A. Schoberth,
W. G. Caudill,	Don G. McVean,	S. A. Shanklin,
J. P. Chinn,	Frank S. Moore,	W. Logan Shearer,
Henry Chunn,	R. H. Moss,	W. H. Southall, Jr.,
Sidney G. Clay,	Ben E. Niles,	John S. Steers,
J. R. Claypool,	S. P. Parks,	E. E. Trivette,
Z. A. Clore,	C. C. Patrick,	Geo. C. Waggoner,

Z. T. Coleman,	J. W. Perry,	Edward A. Weber,
M. G. Colson,	John C. Pirtle,	W. F. Welch,
Peter J. Cosgrove,	W. F. Pitman,	W. R. Whitlow,
S. F. Crabtree,	G. H. Plitt,	L. F. Withers,
C. F. Crecelius,	L. R. Ray,	J. R. Zimmerman,
H. C. Duffy,		—61

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled,

H. B. 332. An act to amend Section 356, Kentucky Statutes so as to increase the fees of jailers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 1 of Section 356, Chapter 20, Kentucky Statutes, be and the same is hereby amended, to-wit: By striking from said section after the words, "under like charge," the words, "per day fifty cents," and by inserting in said subsection of said section in lieu of said words so stricken, the following words, to-wit: "Per day, seventy-five cents," so that said section when so amended shall read as follows, to-wit:

"§ 356. Jailers. To jailers for imprisoning and releasing a prisoner charged with a felony or contempt, sixty cents.

1. For keeping and dieting a prisoner under like charge, per day, seventy-five cents.

2. For putting a prisoner in irons, to secure his safe-keeping in the jail, besides the cost of the irons, fifty cents.

3. For each days attendance upon the Circuit Court, two dollars.

4. For furnishing fuel, light and water to the Circuit Court, not exceeding two dollars per day. (See further, as to fees, Section 1730)."

Mr. P. W. Berkshire offered the following amendment to said bill, viz:

Amend by adding the words "provided the provisions of this act shall not apply to counties having within their boundaries a city of the Third Class."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	G. T. Reynolds,
W. D. Allbright,	John W. Holland,	H. T. Rich,
J. W. Berkshire,	R. Dillard Hunter,	Farris Roberts, Jr.,
P. W. Berkshire,	S. B. Johnson,	S. C. Roberts,
Eli Berry,	O. M. Kelsey,	Samuel L. Robertson,
T. M. Bertram,	Wm. F. Klair,	S. M. Russell,
J. O. Bogie,	J. H. Lackey,	H. A. Schoberth,
S. M. Carson,	L. C. Littrell,	S. A. Shanklin,
L. H. Carter,	J. H. McWaters,	W. H. Shanks,
W. G. Caudill,	Frank S. Moore,	W. Logan Shearer,

J. P. Chinn,	R. H. Moss,	W. H. Southall, Jr.,
Sidney G. Clay,	Ben E. Niles,	John S. Steers,
J. R. Claypool,	L. C. Owings,	J. J. Taylor,
Z. A. Clore,	S. P. Parks,	E. E. Trivette,
Z. T. Coleman,	John C. Pirtle,	Geo. C. Waggoner,
M. G. Colson,	W. F. Pitman,	Edward A. Weber,
S. F. Crabtree,	G. H. Plitt,	W. F. Welch,
C. F. Crecelius,	W. A. Price,	W. R. Whitlow,
L. H. Francies,	L. R. Ray,	L. F. Withers,
G. G. Frazier,	R. A. Read,	J. R. Zimmerman,
H. T. Gartin,	Geo. W. Reid.	—63

Those who voted in the negative were—

J. F. Porter, J. T. Riherd,

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said bill is as follows, viz:

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 513. An act to amend Sections 2557, 2557a, 2557b, 2, of the Kentucky Statutes, Carroll's Edition, 1909, being a part of an act of March 15, 1894, entitled Local option law by providing additional penalties to said section so amended for a violation thereof.

Said motion was agreed to.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2557, of Chapter 81, Kentucky Statutes, Carroll's 1909 Edition be amended by striking therefrom the words "for each offense" occurring in the twelfth line of said section and sub-

stituting in lieu thereof the following words "for the first offense, and shall upon conviction for the offense thereafter committed, be deemed guilty of a felony and be punishable with confinement in the penitentiary for not less than one, nor more than five years in the discretion of the jury.

§ 2. That said Section 2557a of same be amended by striking out the words "for each offense" in the tenth line thereof and substituting therefor the words "for the first offense and shall upon conviction for the offense thereafter committed be deemed guilty of a felony and be punishable with confinement in the penitentiary for not less than one nor more than five years in the discretion of the jury.

§ 3. That Section 2557b 2, of the same be amended by adding after the words "imprisoned not less than ten nor more than fifty days" the words "for the first offense and shall upon conviction for the second offense thereafter committed be deemed guilty of a felony and be punishable with confinement in the penitentiary for not less than one nor more than five years in the discretion of the jury.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	W. A. Price,
J. W. Berkshire,	Robt. L. Harris,	L. R. Ray,
P. W. Berkshire,	L. B. Herrington,	R. A. Read,
Eli Berry,	Robt. C. Hill,	Geo. W. Reid,
T. M. Bertram,	John W. Holland,	G. T. Reynolds,
O. Houston Brooks,	Hite Huffaker,	H. T. Rich,

Frank J. Brown,	R. Dillard Hunter,	J. T. Riherd,
J. T. Bnford,	O. M. Kelsey,	Farris Roberts, Jr.,
S. M. Carson,	Wm. F. Klair,	S. C. Roberts,
J. P. Chinn,	J. H. Lackey,	Samuel L. Robertson,
Henry Chunn,	L. C. Littrell,	S. M. Russell,
Sidney G. Clay,	J. H. McWaters,	H. A. Schoberth,
J. R. Claypool,	Don G. McVean,	S. A. Shanklin,
Z. A. Clore,	Frank S. Moore,	W. H. Shanks,
Z. T. Coleman,	Ben E. Niles,	W. Logan Shearer,
M. G. Colson,	L. C. Owings,	W. H. Southall, Jr.,
Peter J. Cosgrove,	S. P. Parks,	John S. Steers,
S. F. Crabtree,	C. C. Patrick,	E. E. Trivette,
C. F. Crecelius,	W. V. Perry,	Geo. C. Waggoner
Wm. S. Dean,	John C. Pirtle,	Edward A. Weber,
H. C. Duffy,	W. F. Pitman,	W. R. Whitlow,
G. G. Frazier,	G. H. Plitt,	L. F. Withers,
H. T. Gartin,	J. F. Porter,	J. R. Zimmerman,

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Those who voted in the negative were—

W. D. Allbright,	L. H. Francies,	Samuel D. Hines,
W. G. Caudill,		

—4

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 477. An act to amend an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky which was approved March 19, 1894, and thereafter in due course

became a law and as same has since been amended all of which said act and amendments now appear as Article 3 of Chapter 89 of the Kentucky Statutes, John D. Carroll's Edition, 1909.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter became a law, and the amendments thereto, which act and which amendments do now appear as Article 3, of Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1909, be amended by adding thereto, at the end thereof, the following provisions:

1. Any city of the Second Class under the laws of the Commonwealth of Kentucky, may become organized and be governed under the provisions of this act by proceeding as hereinafter provided. Organizing under this act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body that it now is.

2. All laws applicable to and governing cities of the Second Class and not inconsistent with the provisions of this act, shall continue to apply to and govern each city that may organize under this act. And all by-laws, ordinances, and resolutions in force in any such city and not inconsistent with the provisions of this act, shall continue to be in force until altered or repealed in manner provided for in this act.

3. It shall be the duty of the County Judge in the county in which is located a city proposing to take the sense of its voters, as herein provided, upon the question of organizing and being governed under this act, upon the application by written petition signed by a number of the legal voters of said city equal to twenty-five per centum of the votes

cast in said city at the last preceding general election, to receive said petition, and at the next regular term thereafter, to make an order on his order book directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with the said judge, which order shall direct the sheriff, or other officer of said county who may be appointed to hold said election, to open the polls at each and all of the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens in said city are in favor of the organization and government of said city under the provisions of this act. The question to be submitted to the voters shall be:

"Are you in favor of the organization and government of the City of ---------- (naming the city in which said vote is to be taken) under the provisions of an act to amend an act entitled 'An act for the government of cities of the Second Class in the Commonwealth of Kentucky,' which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as Article 3, of Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof, in 1909, adopted by the General Assembly of Kentucky at the 1910 session thereof."

It shall be the duty of the county clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the County Court, as it appears on the order book, within five days after such order is made; and it shall be the duty of said sheriff, or other such officer, to have said order published in some weekly or daily newspaper published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written hand bills, posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of said paper refuses to publish such notice, the printed or written hand bills provided for shall be sufficient notice. The sheriff or other such officer shall have the advertisement and notices herein provided for posted, as herein

required, within seven days after he receives the order of the county court. All elections provided for in this act, except the primary elections, shall be held on the regular election day, by the regular election officers.

If it shall be found that a majority of the legal votes cast at the election herein above provided for, were given for or against said proposition submitted, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court and a copy thereof delivered to the clerk of the city, and at the next regular term of said court the county judge shall cause the same to be spread on the order book of said court, and the entry of said certificate in the order book, or copy thereof, shall be *prima facie* evidence of the facts therein contained.

When a majority of the votes cast shall be in favor of organizing and governing the city under the provisions of this act, and said fact shall be certified, as hereinbefore provided, by the said canvassing board to the county clerk, a copy of which shall be certified to the city clerk, and said copy of said certificates shall be spread upon the records of said county, as herein provided, and upon the records of said city, at the next regular meeting of the city council, thereupon said city shall be organized and governed by the provisions of this act.

4. All the present city offices, save those of Mayor and Police Judge, shall, at the expiration of that year which shall next follow the year in which said election is held, be *ipso facto* abolished.

5. At the regular city election in November of the year next following the year in which said election is held, there shall be elected by the qualified registered voters of the city a Mayor and four Commissioners. Said officers shall be elected from the city at large, and only in the following manner:

6. No person shall be elected without first having been nominated in the manner hereinafter prescribed. On the third Saturday before

the day for the regular election, there shall be held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as is the later regular election.

Each applicant for nomination shall, at least ten days before the day for said primary election, file with the county clerk a petition signed by at least one hundred voters and in the following form:

"We, the undersigned, qualified voters of the City of _____ (naming it), and residing each at the place indicated opposite his name signed hereto, do hereby request that the name of _____ (naming the applicant), be placed on the ballot as that of an applicant for nomination for the office of_____(naming the office sought), at the primary election to be held in our city on the third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a man of good character; and he is, in our judgment, qualified for the duties of the office sought by him."

Such petition shall be verified by the affidavit of some person or persons as to the genuineness of the signatures and addresses of the signers.

No voter shall sign more than one such petition with reference to each office that is to be filled. In the event that a person shall sign more than one petition of applicants for nomination for Mayor or Police Judge, or shall sign the petitions of more than four applicants for nomination for commissioners, then the name of said petitioner shall not be counted as a valid name on any of said petitions.

Immediately upon the expiration of the time for filing such petitions the said County Clerk shall cause to be published for three successive days in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear upon the primary ballots; and the said Clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile

of his signature. Upon said ballots the names of said applicants for each nomination shall be placed in alphabetical order, with a square at the right of each name, and above the names of the applicants for nomination for Mayor shall be printed the words, "Vote for one," and above the names of the applicants for nominations for Commissioners shall be printed the words, "Vote for four."

The ballots shall contain no party designation, or emblem of any kind, nor any sign indicating any applicant's political belief, or party affiliation.

Having caused said ballots to be printed, the said County Clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for Mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenge made at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the applicants, and make return thereof to the County Clerk, upon proper blanks to be furnished by said clerk, within six hours of the closing of the polls. On the day following the said primary election the County Board of Election Commissioners shall canvass said returns so received from all the polling precincts, and shall publish in the official newspaper of the city at least once, the result thereof. Said canvass by the County Board shall be publicly made.

At such primary election the two applicants receiving the highest number of votes for nomination for Mayor shall be thereby nominated; and the eight applicants receiving the highest number of votes for nominations for Commissioners shall be thereby nominated.

7. At the regular election, next following, the names of the nominees shall be placed in alphabetical order upon the ballots differing from

those used at the nomination only in that they (the election ballots) shall contain only the names of the successful applicants for nomination. And the one nominee receiving the greatest number of votes cast for Mayor, and the four nominees receiving the greatest number of votes cast for Commissioners, shall be elected, respectively, Mayor and Commissioners.

8. Every fourth year after the regular election herein above provided for, at the corresponding times of the year, a primary election and an election shall be held in the same manner, and for the same offices, as above described.

9. Beginning with the second year after the regular election herein first above provided for, at the corresponding times of the year, and every fourth year thereafter at the corresponding times of the year, a primary election and an election shall be held in the same manner and for the same offices as above described, except that instead of electing the Mayor, the Police Judge shall be elected.

Any legal voter of not less than twenty-five years of age, and possessing the other qualifications prescribed by law, shall be eligible to election to any office under this Act.

10. The Mayor shall be elected for a term of four years beginning on the first Monday in January following his election; and he shall receive an annual salary of Thirty-six Hundred Dollars ($3,600.00).

11. The Commissioners shall be elected each for a term of two years beginning on the first Monday in January following his election; and each Commissioner shall receive an annual salary of Three Thousand Dollars ($3,000.00).

The Commissioner of each department shall keep a public office at the City Building, at which place he may be found or communicated with during stated hours, to be fixed by him for the convience of the public, unless special duty shall call him elsewhere.

12. The Mayor and the four Commissioners shall constitute a Board of Commissioners. In this Board of Commissioners shall be vested all the legislative, executive and administrative power of the city, save as herein otherwise provided.

13. Three members of the Board of Commissioners shall constitute a quorum, but the affirmative vote of at least three members shall be necessary to the adoption of any motion, resolution or ordinance, to the making or approval of any contract, or to the passage of any measure.

Upon each vote the yeas and nays shall be recorded; and each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon.

The Mayor shall preside at meetings of the Board. He shall have no veto power. But each resolution, measure, or ordinance shall be signed by him, or by two commissioners, and recorded before it shall take effect.

The Board of Commissioners, shall at the beginning of its term of office elect, by a majority vote of all its members, one Commissioner to act as Mayor pro-tem; and the Commissioner so chosen shall be invested with all the powers and shall perform all the duties of the Mayor, in the event of his absence from the city, or his inability to attend to the duties of his office.

14. Every ordinance or resolution ordering the construction or re-construction of any street or sewer, or making or authorizing any contract involving the expenditure of more than One Thousand ($1,000.00) Dollars, or granting any franchise or the right to use or occupy the streets, highways, bridges or public places of the city for any except a merely temporary purpose shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance or resolution shall go into effect until the

expiration of ten days after its passage, except in case of emergency, the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the Board of Commissioners.

15. The Board of Commissioners shall meet at least once a week for the transaction of its business. It shall fix by ordinance the times of holding its regular meetings. Any special meeting may be called by the Mayor or by two Commissioners. All meetings shall be public.

16. The administrative functions of the city shall be classified under five departments, to-wit:

1. Department of Public Affairs;
2. Department of Public Finance;
3. Department of Public Safety;
4. Department of Public Works;
5. Department of Public Property.

17. The Board of Commissioners shall determine the functions of each department, and shall prescribe the duties of its Commissioner and of his employes. It may assign any employe to one or more departments, or require any employe to perform duties in two or more departments. It shall make all such rules and regulations as to the conduct of the various departments as may be necessary and proper for the efficient and economic conduct of the business of the city.

18. The Mayor shall be the Commissioner of the Department of Public affairs; and he shall have a general advisory supervision over the affairs of all the departments.

The Board of Commissioners shall at its first regular meeting designate by majority vote one Commissioner to have superintendence of the department of Public Finance; one other Commissioner to have superintendence of the Department of Public Safety; one other Commissioner to have superintendence of the Department of Public Works; and one other Commissioner to have superintendence of the Department of Public Property.

19. The Board of Commissioners shall also at its first meeting, or as soon thereafter as may be practicable, appoint all such employes as may be necessary for the proper and efficient conduct of the affairs of the city.

All such employes shall be agents, not officers, of the city; and they shall perform such duties, and for such compensation as the Board of Commissioners may by ordinance prescribe. Each employe shall be selected with reference solely to his fitness, and for the good of the public service (without reference to his political faith or party affiliation) and the Board of Commissioners shall adopt such rules and regulations looking to the appointment and discharge of employes as will tend to carry out the spirit of this provision and lead to the establishment of the merit system in public service.

20. The Board of Commissioners shall at the termination of each month of the fiscal year cause to be printed in the official newspaper an itemized statement of all receipts and expenses of the city during that month.

At the termination of each fiscal year the Board of Commissioners shall cause one or more competent accountants to make a complete examination of the books and accounts of the city, and shall cause the result of such examination to be published in the official newspaper and in pamphlet form, and a copy of the report in pamphlet form to be given to each voter who may apply for same at the proper office.

21. In case of the death, resignation or inability of the mayor, causing a permanent vacancy in said office, the mayor pro tem shall act as mayor and shall possess all the rights and powers and perform all the duties of the mayor and receive his salary, under the official title however, of mayor protem, until such vacancy in the office of mayor is filled by an election ordered by the Board of Commissioners for that purpose, at which time the mayor pro tem, if his term as Commissioner be then unexpired, shall resume his duties as such Commissioner.

In the event that any Commissioner shall for more than thirty days be necessarily absent from the city, or for the same period shall be unable from sickness or other cause to discharge the duties of his office, or in the event the mayor pro tem shall be filling the office of mayor as contemplated in Section 13 above for such period, the Board of Commissioners may fill such office temporarily by appointment, and said appointee shall discharge the duties of the Commissioner whose place may thus be temporarily filled until such Commissioner shall return or become fit for and resume his duties, and any such temporary appointee shall serve without compensation.

In the event of a permanent vacancy in the Board of Commissioners caused by the death, resignation, or inability of any member thereof, or in the event a permanent vacancy in the office of mayor shall be filled by the mayor pro tem, such vacancy shall be filled by appointment by the other members of the board until the vacancy shall be filled by the election of a sucessor at the next regular election of municipal officers, as is prescribed by law, and such temporary appointee shall, for the time he serves as such, receive the salary of the Commissioner whose place he has been appointed to fill.

A vacancy shall exist when any elective officer fails to qualify within ten days after notice of his election, or dies (or resigns), or moves his domicile outside the city, or remains outside the city for a period of six months, or is convicted of felony, or is judicially declared insane or is removed from office in any manner.

22. In case of misconduct, inability, or wilful neglect in the performance of the duties of his office, the mayor or any Commissioner may be removed from office by a unanimous vote of the other four members of the Board of Commissioners. But no such officer shall be so removed without having been given the right to have a full public hearing with representation by counsel, and with witnesses summoned in his behalf and required to testify. The findings of fact at any such hearing, and the reasons for any such removal, shall be stated in writing and filed as matter of public record.

23. If during the ten days next following the passage of any such ordinance as cannot within said ten days become effective, a petition signed by a number of voters equal to at least twenty-five per centum of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified as to signatures and residences by the affidavits of some one or more persons, shall be presented to the Board of Commissioners, protesting against the passage of such ordinance, such ordinance shall be suspended from going into effect, and shall be reconsidered by the Board of Commissioners. If such ordinance be not then repealed, the board shall submit to the voters of the whole city at either a special or a regular election according to law, the following question: "Shall the ordinance (briefly describing it), go into effect?" And if a majority of the votes cast upon such question be in the negative, the ordinance shall not go into effect. But if a majority of the votes cast upon such question be in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

24. If a petition signed by a unmber of voters equal to at least twenty-five per centum of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified by affidavits of some one or more persons as to the signatures and residences, requesting the Board of Commissioners to pass an ordinance therein set forth—if such petition be presented to the Board of Commissioners, and if the ordinance therein requested to be passed be one that the Board has a legal right to pass, then the board shall either pass such proposed ordinance without alteration, within ten days after such petition is filed, or submit the question of its passage to the voters of the city at the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance—(briefly describing it), be passed?" If the majority of the votes cast upon said question be in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective, as soon as the result is officially ascertained and declared. And such ordinance

shall not be amended or repealed, except by the voters at a regular biennial city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election.

The Board of Commissioners may submit the question of the repeal or amendment of any such ordinance to the voters at any succeeding regular city election; and if the majority of the votes cast on such question be in favor of the repeal or amendment, such ordinance shall be thereby repealed, or amended, as the case may be.

25. Whenever a question of passage of a proposed ordinance, or of the going into effect, or the repeal, or the amendment of an ordinance, is to be submitted to the voters at an election, the Board of Commissioners shall cause the proposed ordinance or ordinances, or the ordinance and amendment, as the case may be, to be printed once in the official newspaper of the city, and in such other newspapers as the Board of Commissioners may direct, before such election.

26. The expenses of all primary elections under the provisions of this act shall be paid by the city.

27. The mayor and each Commissioner shall execute a bond to the city, upon which an action may be maintained by any person or persons, interested in the keeping of the convenants therein contained, in the penal sum of ten thousand dollars ($10,000.00), conditioned upon the faithful performance of his official duties; such bonds to be approved by the County Judge, and filed as matters of public record.

28. Nothing herein shall be construed to apply to the organization, existence, or conducting the affairs, of the Board of Education.

Mr. Klair offered an amendment to said bill.

Amend said bill by adding thereto the following section, viz.:

§ 29. Whenever the citizens of any city, which shall have been organized and governed under the provisions of this act for a period of

not less than four years, shall desire that the organization and government of such cities under the provisions of this act shall terminate and cease and said citizens shall file with the County Judge of the County in which is located such city, written petitions signed by a number of the legal voters of said city equal to thirty-three and one-third (33⅓) per centum of the votes cast in said city at the last preceding general election, it shall be the duty of the County Judge of said County to receive said petition and at the next regular term thereafter to make an order on his order book, directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with the said Judge, which order shall direct the sheriff or other officer of said county who may be appointed to hold said election, to open the polls at each and all of the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens of said city are in favor of the abandonment of the organization and government of said city under the provisions of this act. The question to be submitted to the voters, shall be, "Shall the City of_____ (naming said city) abandon its organization and government under the provisions of an act to amend an act, entitled, "An Act for the government of cities of the second class in the Commonwealth of Kentucky, approved March 19th, 1894, and thereafter in due course became a law and as same has since been amended, all of which said Act and amendment now appear as Article 3, Chapter 89 of the Kentucky Statutes in John D. Carroll's Edition thereof in 1909," adopted by the General Assembly of Kentucky at the 1910 session thereof.

It shall be the duty of the county clerk to give to the sheriff of the county or to such other officer as may be appointed to hold said election a certified copy of the order of the County Court as it appears on the order book, within five days after such order is made and it shall be the duty of the said sheriff, or other such officer, to have such order published in some weekly or daily newspaper, published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written hand bills posted in

conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in the said city, or the proprietor of such paper refuses to publish said notes, the printed or written hand bills provided for shall be sufficient notice. The sheriff, or other such officer, shall have the advertisements and notices herein provided for, posted as herein resuired, within seven days after he receives the orders of the county court. It shall be the duty of the canvassing board to certify the result of said election to the County Court, which certificate shall be delivered to the clerk of the County Court, and a copy thereof delivered to the clerk of the city, and at the next regular term of said court the couty judge shall cause the same to be spread upon the order book of said court and the entry of said certificate on the order book, or copy thereof, shall be prima facie evidence of the facts therein contained.

When a majority of the votes cast shall be in favor of said proposition so submitted, and said facts shall be certified as hereinbefore provided, by the said canvassing board to the county clerk and a copy of which shall be certified to the city clerk and said copy of said certificate shall be spread upon the records of said county as herein provided, and upon the records of said city at the next regular meeting of the city council, thereupon said city shall cease to be governed by the provisions of this Act, but thereafter shall be governed by the provisions of Chapter 89 of said Statutes, independent of the provisions of this Act.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Bnford,
S. M. Carson,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. T. Coleman,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
J. F. Porter,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman,

—66.

Resolved, that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 343. An act to repeal the Charter of the town of Boston Station in Pendleton county.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 236, Acts 1871-2, incorporating the town of Boston Station, Pendleton County, approved February 9, 1872. be and the same is hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	R. A. Read,
J. W. Berkshire,	Robt. L. Harris,	Geo. W. Reid,
P. W. Berkshire,	John W. Holland,	G. T. Reynolds,
Eli Berry,	Hite Huffaker,	J. T. Riherd,
T. M. Bertram,	R. Dillard Hunter,	Farris Roberts, Jr.,
J. O. Bogie,	O. M. Kelsey,	S. C. Roberts,
O. Houston Brooks,	J. H. Lackey,	Sam'l L. Robertson,
Frank J. Brown,	J. H. McWaters,	S. M. Russell,
J. T. Bnford,	Frank S. Moore,	H. A. Schoberth,
S. M. Carson,	Ben E. Niles,	S. A. Shanklin,
W. C. Caudill,	L. C. Owings,	W. Logan Shearer,
Henry Chunn,	S. P. Parks,	W. H. Southall, Jr.,
J. R. Claypool,	J. W. Perry,	John S. Steers,
Z. A. Clore,	W. V. Perry,	J. J. Taylor,
Z. T. Coleman,	John C. Pirtle,	E. E. Trivette,
Peter J. Cosgrove,	W. F. Pitman,	Geo. C. Waggoner,
S. F. Crabtree,	G. H. Plitt,	W. F. Welch,
C. F. Crecelius,	J. F. Porter,	W. R. Whitlow,
H. C. Duffy,	W. A. Price,	J. R. Zimmerman,
L. H. Francies,	L. R. Ray,	—59

Resolved, that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled.

H. B. 151. An act to further regulate assessment fire insurance companies.

Together with an amendment proposed thereto by the Committee on Insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Assessment Fire Insurance Companies organized under the laws of this Commonwealth, or which may be hereafter organized under such laws, to add to each assessment authorized under such laws such an amount not exceeding twenty per cent. of such assessment and to collect such addition under the same limitation and restrictions as the original assessment, for the purpose of creating such a reserve fund as may be, in the judgment of the governing authorities of such company, be necessary until such reserve fund shall amount to one per cent. of the entire oustanding insurance. The governing authorities of such companies shall have power from time to time to increase or diminish the amount of such addition, maintaining such reserve fund as near one per cent. of the oustanding insurance as may be.

§ 2. The fund thus created shall constitute a reserve which may be used from time to time in the payment of losses in anticipation of the collection of assessments; and, in the event of liquidation, voluntary or involuntary shall be apportioned, *pro. rata*, to the policy-holders whose policies have been in force for five years without any default in the payment of assessments and other valid charges against the same, in proportion to the amount of premium paid on said policies from the date of their issual.

§ 3. It shall be lawful for the governing authorities of such associations to invest the reserve fund in such securities as Fire Insurance Companies are now permitted by law to invest in, and they may use such securities by pledge or sale for the purpose of raising money to more effectively carry out the purposes set out in Section 2 herein.

Said amendment is as follows, viz.:

Amend by striking out the word "five" in line 5 of Section 2 and insert in lieu thereof the word "three."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	Samuel D. Hines,	L. R. Ray,
P. W. Berkshire,	John W. Holland,	R. A. Read,
Eli Berry,	R. Dillard Hunter,	Geo. W. Reid,
T. M. Bertram,	O. M. Kelsey,	G. T. Reynolds,

J. O. Bogie,	Wm. F. Klair,	J. T. Riherd,
O. Houston Brooks,	J. H. Lackey,	Farris Roberts, Jr.,
Frank J. Brown,	L. C. Littrell,	S. C. Roberts,
J. T. Bnford,	Don G. McVean,	H. A. Schoberth,
W. G. Caudill,	Frank S. Moore,	S. A. Shanklin,
Henry Chunn,	H. J. Meyers,	W. H. Shanks,
J. R. Claypool,	Ben E. Niles,	W. Logan Shearer,
Z. A. Clore,	L. C. Owings,	W. H. Southall, Jr.,
Peter J. Cosgrove,	S. P. Parks,	John S. Steers,
S. F. Crabtree,	C. C. Patrick,	J. J. Taylor,
W. B. Creekmore,	J. W. Perry,	E. E. Trivette,
L. H. Francies,	W. V. Perry,	Geo. C. Waggoner,
Chas. W. Fulton,	John C. Pirtle,	Edward A. Weber,
T. D. Graham,	W. F. Pitman,	W. F. Welch,
Robt. L. Harris,	G. H. Plitt,	L. F. Withers,
L. B. Herrington,	W. A. Price,	J. R. Zimmerman,

—60

Resolved, that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 90. An act providing for an additional compensation for jurors in the Circuit Court of the Commonwealth.

Together with an amendment proposed thereto by way of substitute therefor by the Committee on Circuit Court.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That jurors in the Circuit Court shall hereafter receive in addition to the compensation now allowed by law, mileage at the rate of five cents per mile in going to and returning from their county seat, by the usual way of travel.

§ 2. That any person who may be summoned to attend the Circuit Court and who shall not be accepted as a juror and shall be excused, shall receive one day's compensation as a juror, including mileage.

§ 3. All laws and parts of law in conflict with this Act are hereby repealed.

§ 4. This Act shall take effect from and after its passage.

Said substitute amendment is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All persons summoned to appear for service as jurors in the Circuit Courts of the Commonwealth of Kentucky from the time they actually appear in court in response to the summons until finally discharged by order the court shall be paid for their services by the trustee of the jury fund the same per diem that is paid to grand and petit jurors. But is not include any jurors not serving on a regular panel in excess of the eight grand and six petit jurors whose names are drawn from the jury wheel at the preceding term of court and to appear in open court for service and is also not to include any who are excused upon their own request and the Clerk of the Circuit Court shall issue to each person so summoned and discharged a certificate showing the number of days of service and amount he is entitled to receive.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
O. Houston Brooks,
Frank J. Brown,
J. T. Bnford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Robt. L. Harris,
L. B. Herrington,
John W. Holland,
S. B. Johnson,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
J. W. Perry,
John C. Pirtle,
G. H. Plitt,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
L. F. Withers,
J. R. Zimmerman,
—61

Those who voted in the negative were—

Z. T. Coleman,

Resolved, that the title thereof be as aforesaid.

Mr. Russell moved to reconsider the vote by which was passed and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 64. An act to exempt from taxation all bonds, notes and other evidences of interest bearing debt issued by the State or by any municipal corporation or by any public school and the means of instruction in connection therewith in the State of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all bonds, notes and other evidences of indebtedness hereafter issued by the State of Kentucky or by any city, town, village, hamlet or county in this State, or by, or in behalf of, any public school, or schools, of Kentucky, or for the means of instruction therein, upon which interest is paid, shall be exempt from taxation.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

§ 3. An emergency shall be declared to exist and this act shall be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and placed on its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	Robt. L. Harris,	John C. Pirtle,
J. W. Berkshire,	Robt. C. Hill,	G. H. Plitt,
O. Houston Brooks,	Samuel D. Hines,	W. A. Price,
J. T. Bnford,	Hite Huffaker,	Geo. W. Reid,
S. M. Carson,	R. Dillard Hunter,	S. M. Russell,
Sidney G. Clay,	Wm. F. Klair,	H. A. Schoberth,
J. R. Claypool,	L. C. Littrell,	W. H. Shanks,
Z. T. Coleman,	Don G. McVean,	W. Logan Shearer,
M. G. Colson,	Frank S. Moore,	John S. Steers,
Peter J. Cosgrove,	R. H. Moss,	E. E. Trivette,
S. F. Crabtree,	H. J. Meyers,	Edward A. Weber,
C. F. Crecelius,	C. C. Patrick,	W. F. Welch,
Chas. W. Fulton,	W. V. Perry,	L. F. Withers,
F. E. Graves,		—40

Those who voted in the negative were—

R. H. Akin,	H. T. Gartin,	G. T. Reynolds,
P. W. Berkshire,	T. D. Graham,	H. T. Rich,
T. M. Bertram,	O. M. Kelsey,	J. T. Riherd,
Frank J. Brown,	J. H. Lackey,	Farris Roberts, Jr.,
L. H. Carter,	J. H. McWaters,	S. C. Roberts,
W. G. Caudill,	L. C. Owings,	W. H. Southall, Jr.,
J. P. Chinn,	J. W. Perry,	J. J. Taylor,
Henry Chunn,	W. F. Pitman,	Geo. C. Waggoner,
Z. A. Clore,	J. F. Porter,	W. R. Whitlow,
H. C. Duffy,	L. R. Ray,	J. R. Zimmerman,
G. G. Frazier,	R. A. Read,	—32

Said bill failing to receive the number of affirmative votes required by the Constitution, it having an emergency clause, it was disagreed to.

Mr. Russell moved to reconsider the vote by which said bill failed to pass and that said motion lie on the table.

Said motion was agreed to.

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

H. B. 3. An act to provide for the reporting and publication of the opinions of the Court of Appeals of Kentucky.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 128. An act to amend the common school laws of Kentucky and provide for the payment of teachers.

Mr. Chunn offered an amendment to said bill.

Mr. Colson moved that said bill be recommitted to the Committee on Education No. 2.

Said motion was agreed to.

Mr. Shearer offered the following resolution, viz:

Whereas, we have learned of the sad death of the daughter of Hon. J. M. Blair, Representative from the counties of Casey and Russell, and wish to express our sympathy in his bereavement, therefore

Be it resolved, That as a mark of our respect and esteem for our associate in his sorrow and as a testimonial of our sympathy the House do now adjourn.

Said resolution was unanimously adopted.

And then the House adjourned.

TUESDAY, MARCH 8, 1910.

The House was opened with prayer by the Rev. M. B. Adams, of the First Baptist Church of Frankfort.

The reading of the journal of yesterday's proceedings was dispensed with.

The House took up for consideration from the Calendar, bills and resolutions of the following titles, viz:

H. Res. 22. Resolution providing for a joint commission to consider the redistricting the State into legislative districts and providing compensation.

H. B. 522. An act to provide for fire drills and instructions as to dangers and prevention of fire in the schools and providing penalties for violations thereof.

H. B. 13. An act to compel railroads to give shippers of live stock, stock passes.

S. Res. 16. Resolution appropriating $500.00 for the families of miners who lost their lives in mine explosion at Browder mines, Muhlenberg County.

Ordered that said bills and resolutions be read the second time.

The constitutional provision as to the second reading of said bills and resolutions at length being dispensed with they were read the second time by their titles.

Ordered that said bills and resolutions be placed in the Orders of the Day.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 194. An act for the benefit of State University Eastern Normal School, Western Normal School.

Together the amendment heretofore proposed thereto by the Committee on State University and Normal Schools.

Said bill is as follows, viz:

Whereas, the educational interest of the State of Kentucky demands the State University, Lexington, Kentucky, as successor to the Agricultural Mechanical College, and each of the two State Normal Schools be furnished with buildings and other necessary equipment, so as to enable them to do educational work needed by the Commonwealth of Kentucky and of the rank and dignity of corresponding institutions of other States, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of sixty thousand dollars, or as much as may be necessary thereof, be and the same is hereby appropriated for the benefit of the State University, Lexington, Kentucky, for the purpose of building necessary roadways, walkways, and sewer system, also for the erection and equipment of a necessary addition to the Mechanical Experiment and Electrical Engineering building.

All of said buildings shall be erected upon the grounds owned by the said institution, or upon such grounds as may be acquired by purchase by the board of trustees of said institution.

The said board of trustees is vested with a sound discretion as to the order of construction and as to the location of the improvements herein set forth, as will best promote the interests of the institution, provided that the toal expenditure shall not exceed the amount herein appropriated.

The said board of trustees shall appoint a competent architect or architects, engineer and landscape gardener to prepare, under their directions, plans and specifications for the buildings and other work aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this act for material and labor, or for the erection and equipment of any and all buildings and other improvements, and for the equipment of same for the purposes mentioned in this act, shall be let to the lowest and best bidder, after the same is duly advertised by notice for ten consecutive days in a daily newspaper published in the city of Lexington, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper published in said city which, in the judgment of the said board of trustees has the largest circulation.

The successful bidder or bidders in each case shall enter into bond to the Commonwealth of Kentucky for the benefit of said university in

a sum not less than twenty-five per cent of the contract sum or price for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract.

The money hereby appropriated shall be paid to the treasurer of said university from time to time, as the improvements contemplated in this act may require, and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said university for an amount or amounts as the said treasurer of said university, countersigned by the president, may certify to him from time to time, is necessary and needed in carrying out the provisions of this act: Provided, however, that one-third of said appropriation shall be due and payable on December 1, 1910; one-third thereof shall be due and payable on July 1 ,1911; and one-third thereof shall be due and payable on December 1, 1911.

Said board of trustees shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited, and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said university herein authorized have been made the same shall be returned to the State Treasurer by the board of trustees.

§ 2. That the sum of forty-five thousand dollars, or as much as may be necessary thereof, be and the same is hereby, appropriated for the benefit of the Eastern Kentucky State Normal School, Richmond, Kentucky, for furniture and fixtures for dormitory, and kitchen and dining-room equipment for same; equipment, apparatus, and supplies for physical, chemical, and agricultural laboratories, and for manual training department; furniture and apparatus for new school building; fire escapes for dormitories; repairing and painting old buildings; sewage tanks and mains; building roads and concrete walks on grounds; books and furniture for library; wiring and electrical fixtures for lighting buildings and grounds; and for an addition to dormitory.

Said addition shall be erected upon the grounds owned by the said institution.

If in the judgment of said board of regents, the purchase of additional real estate adjacent to the present grounds may be necessary for the proper conducting of said institution, they may make such necessary purchase and pay for the same out of the money hereby appropriated. The title to such real estate shall be made to and held by the Commonwealth of Kentucky for the use and benefit of said school.

The said board of regents is vested with a sound discretion as to the order of construction, and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the interest of the school, provided that the total expenditure shall not exceed the amount herein appropriated. The said board of regents shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the building aforesaid, and shall contract with responsible parties for the erection and equipment of same.

All contracts under this act for material and labor, or for the erection of any and all buildings and improvements and for the equipment of the same for the purposes mentioned in this act, shall be let to the lowest and best bidder, after the same is duly advertised by notice for at least one month in a weekly or semi-weekly newspaper published in the city of Richmond, Kentucky, which, in the judgment of the said board of regents, has the largest circulation.

The successful bidder or bidders in each case shall enter into bond to the Commonwealth of Kentucky for the benefit of said normal school in a sum not less than twenty-five per cent of the contract price or sum, for the completion of the work in the manner and within the time set out in the contract or contracts. The manner and time shall be fully and in detail set out in said contract. The money hereby appropriated shall be paid to the treasurer of said normal school from time to time as the improvements centemplated in this act may require and it shall

be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said normal school for an amount or amounts as the said treasurer of said normal school may, countersigned by the State Superintendent of Public Instruction, certify to him from time to time is necessary and needed in carrying out the provisions of this act: Provided, however that one-third of said appropriation shall be due and payable on December 1, 1910; one-third thereof shall be due and payable on July 1, 1911; and one-third thereof shall be due and payable on December 1, 1911.

The said board of regents shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited; and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said normal school herein authorized have been made, the same shall be returned to the State Treasurer by the said board of regents.

§ 3. That the sum of seventy-five thousand dollars or as much thereof as may be necessary, and the same is hereby appropriated for the benefit of the Western Kentucky State Normal School, Bowling Green, Kentucky, for the construction of a heating, lighting, and power plant; for the remodeling of the Potter College building and making it available for class rooms; for the equipment of the new building and auditorium now being constructed and of the Potter College building; for apparatus and supplies for physical, chemical, and agricultural laboratories, and for manual training department; for fire escapes; for school buildings and dormitories; for building roads and concrete walks on grounds; and for wiring and electrical fixtures for lighting building and grounds.

All of said buildings shall be erected upon the grounds owned by the said institution.

The said board of regents is vested with a sound discretion as to the order of construction and as to the location of the improvements herein set forth, or in giving preference to such improvements as will best promote the best interests of the school, provided that the total expenditure shall not exceed the amount herein appropriated.

The said board of regents shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this act for material and labor, or for the erection of any and all buildings and improvements, and for the equipment for same for the purposes mentioned in this act shall be let to the lowest and best bidder after same is duly advertised by notice for ten consecutive days in a daily paper published in Bowling Green, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper published in said city, which, in the judgment of the said board of regents, has the largest circulation. The successful bidder or bidders in each case shall enter into bond with the Commonwealth for the benefit of said normal school in a sum not less than twenty-five per cent of the contract price or sum for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract.

The money hereby appropriated shall be paid to the treasurer of said normal school from time to time as the improvements contemplated in this act may require; and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said normal school for an amount or amounts as the said treasurer of said normal school may, countersigned by the State Superintendent of Public Instruction certify to him from time to time is necessary and needed in carrying out the provisions of this act: Provided, however, that one-third of said

appropriation shall be due and payable on December 1, 1910; and one-third thereof shall be due and payable on July 1, 1911; and one-third thereof shall be due and payable on December 1, 1911.

The said board of regents shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited, and if any of the funds hereby appropriated remain unexpended after additions and improvements to said normal school herein authorized have been made, the same shall be returned to the State Treasurer by the said board of regents.

§ 4. That in order to provide additional income to meet the additional annual expenditures of the said State University, Lexington, Kentucky, the additional sum of twenty-five thousand dollars is hereby appropriated for the current fiscal year, and for each succeeding year for the benefit of the said State University, and the same is directed to be paid by the Treasurer of the State to the treasurer of the State University upon warrant or warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purpose aforesaid.

§ 5. That the additional sum of ten thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Eastern Kentucky State Normal School, which will make it upon equal footing with the Western Kentucky State Normal School, and the same is hereby directed to be paid by the Treasurer of the State to the Treasurer of said Eastern Kentucky State Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid.

§ 6. Whereas, the appropriations herein made for the benefit of the said three State educational institutions are needed immediately for the equipment of each to enable them to accommodate the students

and to give proper instructions, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

The amendment heretofore proposed thereto by said committee is as follows, viz:

In Section 1, line 1, strike out the words "sixty thousand dollars" and insert in lieu thereof "seventy-five thousand dollars."

In section 2, line 1, strike out the words "forty-five thousand dollars" and insert in lieu thereof the words "seventy-five thousand dollars."

By unanimous consent,

Mr. McVean of said committee withdrew said amendment.

Mr. Carter offered the following amendment to said bill by way of substitute therefor, viz:

AN ACT for the benefit of the three educational institutions, viz: State University, Eastern Kentucky State Normal School, and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment, and providing additional revenues for the maintenance of the said institutions.

Whereas, the educational interest of the State of Kentucky demands that State University, Lexington, Kentucky, and each of the State Normal Schools be furnished with additional maintenance, buildings, and other necessary improvements to enable them to do educational work needed by the Commonwealth of Kentucky, of the rank and dignity of corresponding institutions of other States; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to provide additional income to meet the expenditures and make necessary additional improvements in the State University, Lexington, Kentucky, the additional sum of ten thousand dollars is hereby appropriated for the current fiscal year, and a like sum for the next succeeding year, for the benefit of said university, and the same is directed to be paid in each of said year by the Treasurer of the State of Kentucky to the treasurer of the said university upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid. That said appropriation shall be expended under the supervision of the University Board of Trustees for the necessary maintenance of said university, and also for the erection and maintenance of necessary buildings, and equipment of same, repairs or additions to old buildings, furnishings, improvement of grounds, and for any other purpose that in the opinion of said Board of Trustees will best promote the interest of said institution. The said board shall, at the next session of the General Assembly submit an itemized statement of the expenditures made under the provisions of this act.

§ 2. That in order to provide additional income to meet the expenditures, and make necessary additional improvement in Eastern Kentucky State Normal School, the additional sum of ten thousand dollars is hereby appropriated for the current fiscal year, and a like sum for the next succeeding year for the benefit of said Normal School, and the same is directed to be paid in each of said years by the Treasurer of the State of Kentucky to the treasurer of said Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid. That said appropriation shall be expended under the supervision of the Normal School Board of Regents for necessary maintenance of said Normal School, and also for the erection and maintenance of necessary buildings and equipment of same, repairs or additions to old buildings, furnishings, improvements of grounds, or for any other purpose that in the opinion of said Board of Regents will best promote

the interest of said institution. The said Board of Regents shall at the next session of the General Assembly submit an itemized statement of the expenditures made under the provisions of this act.

§ 3. That in order to provide additional income to meet the expenditures, and make necessary additional improvement in Western Kentucky State Normal School, the additional sum of ten thousand dollars is hereby appropriated for the current fiscal year, and a like sum for the next succeeding year for the benefit of the said Normal School, and the same is directed to be paid in each of said years by the Treasurer of the State of Kentucky to the treasurer of said Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid. That said appropriation shall be expended under the supervision of the Normal School Board of Regents for the necessary maintenance of said Normal School, and also for the erection and maintenance of necessary buildings, and equipment of same, repairs or additions to old buildings, furnishings, improvements of grounds, or for any other purpose that in the opinion of said Board of Regents will best promote the interest of said institution. The said Board of Regents shall at the next session of the General Assembly submit an itemized statement of the expenditures made under the provisions of this act.

§ 4. Whereas, the appropriation herein made for the benefit of the said three State educational institutions are needed immediately for the maintenance and equipment of each to enable them to accommodate the students and to give proper instructions, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Mr. McVean offered the following amendment to said substitute, viz:

Amend by striking out the words "ten thousand dollars" wherever it appears in Sections 1, 2 and 3 and insert in lieu thereof "twenty thousand dollars."

Said amendment was agreed to.

The yeas and nays being required thereon by Messrs. Wilson and Klair were as follows, viz:

Those who voted in the affirmative were—

Eli Berry,	J. H. Lackey,	J. F. Richardson,
Frank J. Brown,	H. L. Lewis,	Farris Roberts, Jr.,
J. T. Bnford,	L. C. Littrell,	Samuel L. Robertson,
S. M. Carson,	Hugh Mahin,,	S. M. Russell,
J. R. Claypool,	J. H. McWaters,	H. A. Schoberth,
M. G. Colson,	Don G. McVean,	W. H. Shanks,
Peter J. Cosgrove,	Frank S. Moore,	W. Logan Shearer,
C. F. Crecelius,	H. J. Meyers,	John S. Steers,
F. E. Graves,	W. H. Newell,	J. W. Turner,
L. B. Herrington,	S. P. Parks,	Geo. C. Waggoner,
Samuel D. Hines,	G. H. Plitt,	Edward A. Weber,
R. Dillard Hunter,	Marion F. Pogue,	W. F. Welch,
O. M. Kelsey,	A. H. Points,	W. R. Whitlow,
Wm. F. Klair,	W. A. Price,	—41

Those who voted in the affirmative were—

W. D. Allbright,	H. C. Duffy,	R. A. Read,
J. W. Berkshire,	G. G. Frazier,	Geo. W. Reid,
P. W. Berkshire,	R. H. Moss,	G. T. Reynolds,
L. H. Carter,	Ben E. Niles,	H. T. Rich,
W. C. Caudill,	L. C. Owings,	J. T. Riherd,
Sidney G. Clay,	C. C. Patrick,	S. C. Roberts,
Z. A. Clore,	J. W. Perry,	S. A. Shanklin,
Z. T. Coleman,	W. V. Perry,	E. E. Trivette,
Albert J. Counts,	John C. Pirtle,	J. H. Williams,
S. F. Crabtree,	W. F. Pitman,	L. F. Withers,
W. L. Craig,	J. F. Porter,	J. R. Zimmerman,
Wm. S. Dean,	L. R. Ray,	—35

Said substitute as amended was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	S. B. Johnson,	W. A. Price,
Eli Berry,	W. G. Keen,	Geo. W. Reid,
T. M. Bertram,	O. M. Kelsey,	H. T. Rich,
O. Houston Brooks,	Wm. F. Klair,	J. F. Richardson,
Frank J. Brown,	J. H. Lackey,	Farris Roberts, Jr.,
J. T. Bnford,	H. L. Lewis,	Samuel L. Robertson,
S. M. Carson,	L. C. Littrell,	S. M. Russell,
J. P. Chinn,	Hugh Mahin,,	H. A. Schoberth,
J. R. Claypool,	J. H. McWaters,	W. H. Shanks,
M. G. Colson,	Don G. McVean,	W. Logan Shearer,
Peter J. Cosgrove,	Frank S. Moore,	W. H. Southall, Jr.,
C. F. Crecelius,	H. J. Meyers,	John S. Steers,
H. T. Gartin,	W. H. Newell,	E. E. Trivette,
T. D. Graham,	L. C. Owings,	J. W. Turner,
F. E. Graves,	S. P. Parks,	Geo. C. Waggoner,
L. B. Herrington,	G. H. Plitt,	Edward A. Weber,
Samuel D. Hines,	Marion F. Pogue,	W. F. Welch,
R. Dillard Hunter,	A. H. Points,	W. R. Whitlow,

—54

Those who voted in the affirmative were—

W. D. Allbright,	H. C. Duffy,	J. F. Porter,
J. W. Berkshire,	G. G. Frazier,	L. R. Ray,
P. W. Berkshire,	Chas. W. Fulton,	R. A. Read,
W. G. Caudill,	John W. Holland,	G. T. Reynolds,

Z. A. Clore,	Ben E. Niles,	J. T. Riherd,
Z. T. Coleman,	C. C. Patrick,	S. C. Roberts,
S. F. Crabtree,	J. W. Perry,	J. H. Williams,
W. L. Craig,	John C. Pirtle,	J. R. Zimmerman,

—24

Resolved that the title thereof be as follows, viz:

An act for the benefit of the three educational institutions, viz: State University, Eastern Kentucky, State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment and providing additional revenues for the maintenance of said institutions.

Mr. Klair moved to reconsider the vote by which bill was passed and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House of Representatives, entitled,

H. B. 187. An act to amend and re-enact Section 32, Article 2, Chapter 22 of an act entitled "An act relating to revenue and taxation."

Also that he had returned to the House without his approval a bill which originated in the House of Representatives entitled,

H. B. 51. An act to authorize and regulate the recordation of agreements for pooling farm products.

Together with his reasons therefor in writing.

(For bill see House Journal, February 9, 1910.)

The reasons of the Governor for not approving and signing said bill are as follows, viz:

To the House of Representatives:

I return House Bill No. 51, "An act to authorize and regulate the 'recordation' of agreements for pooling farm products," which I feel it my duty to disapprove, and with it I have the honor to transmit to the House my objections to it.

So much of this bill as provides for recording a list of the persons pooling or pledging any article of farm products, seems to me to be a logical sequence to the purposes of what is generally called the "Crecelius Bill" and I should not hesitate to approve that part of this measure, but Section 3 provides that—

"Any person buying or soliciting or pledging property the lists of which have been recorded as herein provided, shall, upon conviction, be fined not less than Ten nor more than One Thousand Dollars, or imprisoned not less than fifteen nor more than ninety days or both so fined and imprisoned."

The Crecelius Bill provides punishment for the seller and also provides punishment for the buyer who knowingly buys the pooled or pledged property. This section proposes to extend that punishment to those who have constructive notice by the recording the lists, whether they know or not, and I cannot approve the law with this section in it, but return it with my disapproval as a measure injurious to business interests and injurious to the farmer and which can be made equally injurious to the associations of the farmers or any of them.

The bill, taken literally, forbids any one to even ask the association to sell this property, for the association if property is pledged or pooled to it will record the lists, and this section provides that anybody buying that property (it does not say of the original grower) but any person buying it is subject to these penalties, and therefore it literally includes those buying or even offering to buy of the association. The argument is made that the tobacco being commingled, it would be impossible to prove that the tobacco was pooled or pledged by any given individual

mentioned in the list, but all the tobacco in the possession of the association would be pooled, pledged and listed and everybody would have constructive notice that it was pooled, pledged and listed, and this does not except those who buy from the Association, but punishes everybody, and at the best, would leave it at the option of the managers of the association to pick out anybody whom they might wish to punish because of becoming dissatisfied afterwards with such particular person or persons. A purchaser of a large amount of tobacco from the association could, if the market failed materially, plead that the contract was unlawful and thus successfully evade the performance of it.

Ordinarily, people advertise for purchasers and do all they can to get people to come to them to buy and to compete with each other so as to raise the price, and it was, I assume, the purpose of the organizers of the pools originally to end the monopoly of one purchaser, which was a very proper and commendable purpose; but this section forbids anybody to purchase, and of course covers those who would compete.

I could not approve a law that makes it risky to buy Kentucky farm products or to offer to buy them. I have never in my life read a proposition that was on its face so manifestly a deadly blow to the rights of farmers to sell their products or to the chance of having purchasers compete to buy them as this law.

I therefore return it with my disapproval this March eighth, nineteen hundred ten.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

Thereupon the House proceeded in accordance with the provision of the Constitution to reconsider said bill.

The question being taken "shall said bill pass and become a law, the objections of the Governor to the contrary notwithstanding," it was decided in the affirmative.

The yeas and nays being taken on the passage of said bill the objections of the Governor to the contrary notwithstanding in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
O. Houston Brooks,
Frank J. Brown,
J. T. Bnford,
L. H. Carter,
W. C. Caudill,
J. P. Chinn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Steers,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams.
L. F. Withers,
J. R. Zimmerman,

—77

Those who voted in the negative were—

S. M. Carson,
W. B. Creekmore,
L. H. Francies,
S. B. Johnson,
W. G. Keen,
H. L. Lewis,
Farris Roberts, Jr.,
W. Logan Shearer,
J. J. Taylor,
E. E. Trivette,
W. F. Welch,

—11

Ordered that the Clerk of this House deliver said bill together with the objections of the Governor thereto to the Senate, that they may take similar action on same.

After a time the Clerk reported that he had discharged that duty.

The hour of 11 o'clock having arrived, the house took up for consideration the special order of the day for that hour, to-wit: A bill entitled,

S. B. 71. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," be amended by striking therefrom Sections 1, 2 and 18 thereof, and inserting in lieu thereof the following, so that Sections 1, 2 and 18 of said act as amended and re-enacted, shall read respectively as follows:

§ 2. That a Board of Penitentiary Commissioners is hereby created to govern the penitentiaries of this Commonwealth, and said board shall consist of three members to be elected by the General Assembly. The board shall continue as now constituted until the successors of the present incumbents are elected as herein provided. The members of said board elected by the General Assembly of 1908 shall hold his office until the 10th day of March, 1912. The General Assembly of 1912 shall elect his successor who shall hold his office for a period of four years beginning the 10th of March, 1912. The two members of said board elected by the General Assembly of 1910 shall hold their offices for a term of four years beginning March 10, 1910, and until their successors are elected and qualified. As the terms of the respective members of the board expire, each succeeding General Assembly shall elect their

successors for terms of four years each. Said members of Board of Penitentiary Commissioners shall, before entering upon the discharge of their duties, execute a bond to the Commonwealth of Kentucky, in the penal sum of twenty-five thousand dollars for the faithful discharge of their duties, said bond to be approved by the Chief Justice of the Court of Appeals and filed with the Auditor of Public Accounts. Said commissioners shall each receive as compensation for their services three thousand dollars per annum, except the chairman of said board, who shall receive three thousand six hundred dollars per annum. Said salaries shall be payable monthly out of the State Treasury, and said Commissioners shall receive their traveling expenses incurred in the discharge of their duties, to be paid in the same manner. No person shall be appointed or elected to the office of Prison Commissioner who has not been a citizen of Kentucky continuously for the last five years, previous to and up to the time of his election or appointment, and who is not twenty-five years of age, or who is a contractor in the penitentiary or agent or employe of any such contractor, or who is interested either directly or indirectly in any kind of branch of business in said penitentiary, or who shall, at the time, hold any other office under the laws of this State; and no such Commissioner shall hold any other office or accept any other appointment under this or any other law of this State during his continuance in said office as such Commissioner. Vacancies in said board, occasioned by death, resignation, or otherwise, shall be filled by appointment by the Governor until the next regular session of the General Assembly when such vacancy shall be filled by election by the General Assembly. The members of said board shall be liable to impeachment for malfeasance or neglect of duty. In the impeachment of members of the Board of Penitentiary Commissioners, the General Assembly shall proceed in the same manner as now or hereafter may be provided by law for the impeachment of the Governor or other civil officer. Said Board of Penitentiary Commissioners shall employ a secretary and fix his salary at not exceeding one hundred and fifty dollars per month, which shall be paid monthly out of the treasury in the same manner as the salary of the Commissioners. The duties of said board shall be as hereinafter prescribed.

§ 3. A warden of each penitentiary shall be elected by the Commission of the said penitentiaries, who shall hold his office for a term of four years; but the Commissioners shall have the power to remove any warden and appoint or elect his successor, and the action of said Commissioners thereon shall be final and conclusive. Before entering upon the discharge of the duties of the office the warden shall take constitutional oath and execute a bond to the Commonwealth of Kentucky in the penal sum of twenty-five thousand dollars, with surety to be approved by the said Commissioners, whose duty it shall be to take said bond and shall file the same with the Auditor of Public Accounts for safe-keeping, to the effect that he, as warden, shall faithfully discharge and perform all the duties required of him, and all the obligations imposed upon him according to law, and that he will fully account for all money that may come to his hands and pay the same into the State Treasury when and as required by the Commissioners; and that he will fully account for all property in his hands or under his control belonging to the State when he ceases to be warden, or is required to do so by said Commissioners; and if at any time the Commissioners shall deem the sureties on the bond of the warden insufficient, it shall be their duty to require him to give an additional bond with sufficient surety, which additional bond shall in no wise impair, lessen or affect the liability of the sureties on the original bond to the Commonwealth; and if said warden declines, neglects or fails to give such additional bond within thirty days after the said Commissioners require him to do so, they shall declare the office of the warden vacant and shall fill the vacancy.

§ 4. Before entering upon the discharge of their duties under the law, the Commissioners shall take oath to faithfully and impartially discharge the same to the extent of their ability. When any duty is required of them in this law, it shall be competent for a majority of them to act, if all can be present and participate, except as to the appointment of the officials, in the advertising for and acceptance of bids, and making contracts and taking bond from the contractors for the labor of convicts. As to these matters all of said Commissioners must

participate unless prevented by unavoidable casualty. It shall be their duty to formulate and prescribe for the use of the penitentiaries all needful regulations and by-laws for the government and discipline of them, the rules for the government and conduct of the warden, deputy warden and all the officials and employes connected with the penitentiaries, also for the government of the prisoners in their department and conduct. They shall prescribe the character of the food and diet, and clothing of the prisoners; they shall also prescribe all needful rules for the preservation of the health of the convicts; for the daily cleansing of the penitentiaries, for the cleanliness of the persons of the convicts and for the general sanitary government of the penitentiaries and the prisoners in all particulars; the character of the labor, the character and quality of food and clothing, and the length of time during which the convicts shall be daily employed. It shall be the duty of the members of the board to individually and as a body visit the penitentiaries frequently and as often as in their judgment the needs of the institutions require. They shall, at least once a month, in a body, visit each of the penitentiaries for the purpose of examining the conditions thereof, the management and condition of the convicts and whether or not the rules are being obeyed and enforced. They shall hold stated monthly meetings at the office of the board in the city of Frankfort, and such called meetings as the chairman or any two of its members may demand, and shall keep in a book kept for that purpose a full record of their proceedings. They shall cause the rules and regulations prescribed by them, together with the law allowing commutation of time to prisoners for good conduct, to be printed and posted in conspicuous places within the cell houses and within the work shops of the penitentiaries. It shall be their duty to keep in repair the penitentiaries, and if at any time the same shall be so seriously out of repair as to render delay imminently dangerous, may make such expenditures as is necessary to fully protect the State's property and interest. It shall be the duty of the members of the Board of Penitentiary Commissioners to investigate the criminal laws and the methods of prison management in existence elsewhere and they shall adopt, as far as they may be able, under the provisions of the laws

of the State, such improvements as they thus learn or discover; and to that end they shall, from time to time, as they think best, visit such other penal institutions or reformatories and attend such gatherings of State officials or penitentiary officials or those interested in the perfection of criminal laws and the improvement of penitentiary and reformatory management as they may consider to the best interest of the institutions over which they have control, and shall be allowed the actual necessary traveling expenses incurred in such investigations, or visits which shall be paid as provided for the payment of traveling expenses incurred in visiting the several institutions of this State. The Board of Penitentiary Commissioners may allow the physicians and the warden of the two penitentiaries to occupy with their families the buildings now provided by law for the residence of the wardens, and may allow the physicians and the wardens maintenance for themselves and their families as is now provided by law for the superintendents of the several asylums in this State; and the board shall provide for its own use and the use of the wardens such vehicles as may be necessary for the business of the board and of the penitentiaries. They may also allow at such times as may seem best the officials and employes of the penitentiaries to have a vacation not to exceed ten days in any twelve months, and during the time of such vacation the wages or salaries of such officials shall not be discontinued. The Commissioners may allow the warden to furnish meals to the officials and employes of the penitentiaries when on duty there.

Whereas, the provisions of this act and other acts pending in this General Assembly increase the duties of the Board of Penitentiary Commissioners; and,

Whereas, the needed facilities for the better management and control of the penitentiaries provided by this act should become effective at once, an emergency is declared to exist, and this act shall take effect from and after its passage.

Mr. P. W. Berkshire offered the following amendment to said bill, viz:

Amend Section 2, lines 20 and 21 by striking out the words "three thousand dollars" and inserting in lieu thereof the words "twenty-six hundred dollars," and in line 22 by striking out the words "three thousand six hundred dollars" and inserting in lieu thereof the word "two thousand six hundred dollars," and in lines 44 and 45 by striking out the words "one hundred and fifty dollars" and inserting in lieu thereof the words "one hundred and twenty-five dollars."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Russell and Steers were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	Wm. S. Dean,	G. H. Plitt,
J. W. Berkshire,	H. C. Duffy,	A. H. Points,
P. W. Berkshire,	Chas. W. Fulton,	L. R. Ray,
T. M. Bertram,	R. Dillard Hunter,	R. A. Read,
Frank J. Brown,	J. H. Lackey,	J. T. Riherd,
S. M. Carson,	H. L. Lewis,	W. Logan Shearer,
L. H. Carter,	S. P. Parks,	J. J. Taylor,
J. P. Chinn,	C. C. Patrick,	E. E. Trivette,
Henry Chunn,	J. W. Perry,	W. F. Welch,
Z. T. Coleman,	John C. Pirtle,	J. R. Zimmerman,
S. F. Crabtree,		—31

Those who voted in the negative were—

J. O. Bogie,	John W. Holland,	Geo. W. Reid,
O. Houston Brooks,	S. B. Johnson,	G. T. Reynolds,
J. T. Bnford,	W. G. Keen,	J. F. Richardson,
Sidney G. Clay,	O. M. Kelsey,	Farris Roberts, Jr.,
J. R. Claypool,	Wm. F. Klair,	S. C. Roberts,
M. G. Colson,	L. C. Littrell,	Samuel L. Robertson,
Peter J. Cosgrove,	Hugh Mahin,	S. M. Russell,
W. L. Craig,	J. H. McWaters,	S. A. Shanklin,
C. F. Crecelius,	Don G. McVean,	W. H. Shanks,
G. G. Frazier,	Frank S. Moore,	John S. Steers,

Chas. W. Fulton,	R. H. Moss,	J. W. Turner,
T. D. Graham,	H. J. Meyers,	Geo. C. Waggoner,
F. E. Graves,	Ben E. Niles,	Edward A. Weber,
Robt. L. Harris,	W. H. Newell,	W. R. Whitlow,
L. B. Herrington,	W. F. Pitman,	J. H. Williams,
Samuel D. Hines,	Marion F. Pogue,	L. F. Withers,

—48

Mr. Duffy offered the following amendment to said bill:

Section 1, line 39, after the word "State" insert the words "nor shall such commissioners or any of them engage in the practice of law or any other lucrative occupation."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Steers and Waggoner were as follows, viz:

Those who voted in the affirmative were—

P. W. Berkshire,	L. H. Francies,	R. A. Read,
S. M. Carson,	S. P. Parks,	W. Logan Shearer,
J. P. Chinn,	C. C. Patrick,	W. F. Welch,
H. C. Duffy,		

—11

Those who voted in the negative were—

R. H. Akin,	T. D. Graham,	Marion F. Pogue,
W. D. Allbright,	F. E. Graves,	A. H. Points,
Eli Berry,	Robt. L. Harris,	Geo. W. Reid,
J. O. Bogie,	John W. Holland,	J. F. Richardson,
O. Houston Brooks,	R. Dillard Hunter,	J. T. Riherd,
J. T. Buford,	S. B. Johnson,	Farris Roberts, Jr.,
Henry Chunn,	W. G. Keen,	S. C. Roberts,
Sidney G. Clay,	O. M. Kelsey,	Sam'l L. Robertson,
J. R. Claypool,	Wm. F. Klair,	S. M. Russell,
Z. A. Clore,	J. H. Lackey,	W. H. Shanks,
M. G. Colson,	L. C. Littrell,	John S. Steers,

Peter J. Cosgrove,	J. H. McWaters,	E. E. Trivette,
S. F. Crabtree,	Don G. McVean,	J. W. Turner,
W. L. Craig,	Frank S. Moore,	Geo. C. Waggoner,
C. F. Crecelius,	R. H. Moss,	Edward A. Weber,
W. B. Creekmore,	H. J. Meyers,	W. R. Whitlow,
Wm. S. Dean,	Ben E. Niles,	J. H. Williams,
G. G. Frazier,	W. F. Pitman,	L. F. Withers,
H. T. Gartin,	G. H. Plitt,	—56

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Robt. L. Harris,	A. H. Points,
Eli Berry,	L. B. Herrington,	W. Price,
J. O. Bogie,	Samuel D. Hines,	Geo. W. Reid,
O. Houston Brooks,	John W. Holland,	G. T. Reynolds,
Frank J. Brown,	Hite Huffaker,	J. F. Richardson,
J. T. Buford,	W. G. Keen,	S. C. Roberts,
Sidney G. Clay,	O. M. Kelsey,	Samuel L. Robertson,
J. R. Claypool,	Wm. F. Klair,	S. M. Russell,
Z. A. Clore,	J. H. Lackey,	H. A. Schoberth,
Z. T. Coleman,	L. C. Littrell,	S. A. Shanklin,
M. G. Colson,	Hugh Mahin,	W. H. Shanks,
Albert J. Counts,	Don G. McVean,	John S. Steers,
Peter J. Cosgrove,	Frank S. Moore,	J. W. Turner,
W. L. Craig,	R. H. Moss,	Geo. C. Waggoner,
C. F. Crecelius,	H. J. Meyers,	Edward A. Weber,
G. G. Frazier,	Ben E. Niles,	W. F. Welch,
H. T. Gartin,	W. H. Newell,	W. R. Whitlow,
T. D. Graham,	L. C. Owings,	L. F. Withers,
F. E. Graves,	W. F. Pitman,	—56

Those who voted in the negative were—

W. D. Allbright,	L. H. Francies,	J. F. Porter,
P. W. Berkshire,	Chas. W. Fulton,	L. R. Ray,
T. M. Bertram,	R. Dillard Hunter,	R. A. Read,
S. M. Carson,	H. L. Lewis,	J. T. Riherd,
L. H. Carter,	J. H. McWaters,	W. Logan Shearer,
J. P. Chinn,	S. P. Parks,	W. H. Southall, Jr.,
Henry Chunn,	C. C. Patrick,	J. J. Taylor,
S. F. Crabtree,	J. W. Perry,	E. E. Trivette,
W. B. Creekmore,	G. H. Plitt,	J. H. Williams,
Wm. S. Dean,	Marion F. Pogue,	J. R. Zimmerman,
H. C. Duffy,		

—31

Resolved that the title thereof be as aforesaid.

Mr. Klair moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

A message was received from the Senate announcing that they had disagreed to a bill which originated in the House entitled,

H. B. 78. An act to amend Chapter 21 of the Acts of 1906 entitled "An act to amend Section 2560 of the Kentucky Statutes," it being a portion of Chapter 81 of the Kentucky Statutes entitled Liquors—Intoxicating.

That they had passed bills of the following titles,

H. B. 30. An act to amend and re-enact an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to assign the cities and towns of this Commonwealth to the classes to which they belong,'" approved March 18, 1908.

H. B. 469. An act to amend an act entitled "An act providing for the payment of interest on warrants issued for claims against the State

of Kentucky, fixing the order of payment thereof and the funds from which said warrants shall be paid," approved May 8, 1897 by repealing said act and enacting a substitute therefor.

With amendments to the last named bill.

The House took up for consideration the last named bill together with amendments proposed thereto by the Senate.

(For bill see House Journal, February 25th.)

The amendments as proposed to said bill by the Senate are as follows, viz:

1. Amend by adding after the word "due" in the fourth line of Section 6 the following: "and to properly carry our the provisions of this act and to keep the additional records required there is hereby appropriated the sum of twelve hundred dollars per annum to the State Treasurer for the purpose of securing additional clerical force in his office."

2. Amend by inserting at the end of line 8, Section 3, the words "payable semi-annually."

Said amendments were concurred in.

Said bill as amended was passed.

The yeas and nays being taken on the passage of said bill as amended in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	Geo. W. Reid,
W. D. Allbright,	Robt. L. Harris,	G. T. Reynolds,
J. W. Berkshire,	John W. Holland,	H. T. Rich,
P. W. Berkshire,	Hite Huffaker,	J. F. Richardson,

Eli Bert,	R. Dillard Hunter,	Farris Roberts, Jr.,
O. Houston Brooks,	O. M. Kelsey,	S. C. Roberts,
Frank J. Brown,	J. H. Lackey,	Samuel L. Robertson,
J. T. Bnford,	H. L. Lewis,	S. M. Russell,
S. M. Carson,	L. C. Littrell,	H. A. Schoberth,
L. H. Carter,	Hugh Mahin,	S. A. Shanklin,
W. G. Caudill,	Don G. McVean,	W. H. Shanks,
Henry Chunn,	H. J. Meyers,	W. H. Southall, Jr.,
J. R. Claypool,	Ben E. Niles,	J. J. Taylor,
Z. A. Clore,	L. C. Owings,	E. E. Trivette,
Z. T. Coleman,	C. C. Patrick,	J. W. Turner,
Peter J. Cosgrove,	W. V. Perry,	Geo. C. Waggoner,
S. F. Crabtree,	John C. Pirtle,	Edward A. Weber,
W. L. Craig,	W. F. Pitman,	W. F. Welch,
C. F. Crecelius,	G. H. Plitt,	W. R. Whitlow,
H. C. Duffy,	Marion F. Pogue,	J. H. Williams,
L. H. Francies,	A. H. Points,	L. F. Withers,
G. G. Frazier,	W. Price,	J. R. Zimmerman,
Chas. W. Fulton,	R. A. Read,	—68

Those who voted in the negative were—

Frank S. Moore,

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 62. An act to provide for an amendment to the Constitution proposed by the Tax Commission.

S. B. 134. An act to amend Sections 2622, 2623, 2625, 2627 and 2628 of the Kentucky Statutes of 1903 compiled by Hon. John D. Carroll.

S. B. 199. An act authorizing the Secretary of State to appoint examiners for State Banking Institutions, trust companies, banking and loan associations, savings and loan associations, combined banks and trust companies, defining their duties and that of the Secretary of State and providing compensation for said duties.

S. B. 228. An act to appropriate money to pay the deficit occasioned by the houses of reform, one for the boys and one for the girls, to pay for the erection of cottage B No. 2 and said houses heretofore erected to provide for the acquisition of additional grounds and water and transportation facilities otherwise extended improving and better equipping said institutions and empowering the Board of Penitentiary Commissioners to carry out the same and appropriating money to pay therefor.

S. B. 309. An act to define the limit of what is commonly known as "sweating" and punishing the same and prohibiting the introduction as evidence of any confession obtained by means thereof.

S. B. 322. An act to amend and re-enact Sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled "An act concerning conveyance," approved April 2, 1892, and being Sections 501, 502, 503, 506, 507, 508 and 514, Chapter 29 of the Kentucky Statutes, compiled by John D. Carroll and issued in 1909, and to amend and re-enact Section 1 of an act entitled "An act to cure certain defective certificates of Proof Deeds and to make copies from the records *prima facie* evidence in the courts and tribunals of this State," approved March 24, 1902, and being Section 519a of said statutes.

S. B. 336. An act appropriating money to refund interest paid on Auditor's warrants issued to the three State asylums and the Kentucky Institution for Feeble-minded Children to pay indebtedness incurred in the erection and equipment of power plant at the Kentucky Institution for Feeble-minded Children and for the construction of an adequate water system at the Central Kentucky Asylum for the insane.

S. B. 265. An act to amend Section 388 of the Kentucky Statutes touching record books.

S. B. 125. An act to provide for a more efficient system of common schools throughout the State, to create county boards of education and to provide for the government and regulation of the common schools.

S. B. 139. An act to amend Section 3 of an act of the General Assembly of the Commonwealth of Kentucky approved March 19, 1908, entitled "An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised.

S. B. 236. An act to promote and compel attendance of children in schools and prevent truancy in cities of the First, Second, Third and Fourth Class, and to enable boards of education or boards of school trustees of cities of the First and Second Class to establish and maintain parental or truant schools for the care and discipline of truants and for the purpose of reducing truancy.

S. B. 279. An act to amend Sections 205 and 210 of an act providing for the creation and regulation of private corporations which became a law April 5, 1893, being Chapter 171 of the Session Acts of 1891, 1892 and 1893, and being also Sections 786 and 793 Carroll's Edition of the Kentucky Statutes.

Ordered that said bills be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 210. An act to amend Section 1697, Subdivision 1 of Article 15, Chapter 46 of the Kentucky Statutes, Carroll's Edition, 1903, entitled Executions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1697, being Subdivision 1 of Article 15, Chapter 46, of the Kentucky Statutes, Carroll's Edition of 1909, be and the same is hereby amended by striking therefrom the words:

"If not on hand, other personal property, wages, money or growing crop, not to exceed forty dollars in value for each member of the family."

And by adding, at the end of said section, after the words "other cooking utensils, not to exceed in value twenty-five dollars," the words:

"Ninety per centum of the salary, wages, or income earned by labor, of every person earning a salary, wages, or income of fifty dollars or less per month, provided that the lien created by service of garnishment, execution, or attachment, shall only affect ten per centum of such salary, wages, or income earned at the time of service of process; of the salary, wages, or income earned by labor, of every person earning a salary, wages or income in excess of fifty dollars per month, forty-five dollars per month and no more shall be exempt."

So that said section when so amended, shall read as follows:

"The following property of persons with a family resident in this Commonwealth, shall be exempt from execution, attachment, distress, or fee-bill, namely: Two work beasts, or one work beast and one yoke of oxen; two plows and gear; one wagon and set of gear, or cart or dray; two axes, three hoes, one spade, one shovel; two cows and calves, beds, bedding and furniture sufficient for family use; one loom and spinning wheel and pair of cards; all the spun yarn and manufactured

cloth manufactured by the family necessary for family use; carpeting for all family rooms in use; one table; all books not to exceed fifty dollars in value; two saddles and their appendages; two bridles; six chairs, or so many as shall not exceed ten dollars in value; one cradle; all the poultry on hand; ten head of sheep, not to exceed twenty-five dollars in value; all wearing apparel; sufficient provisions, including breadstuff and animal food to sustain the family for one year; provender suitable for live stock, if there be any such stock, not to exceed seventy dollars in value; and if such provender be not on hand, such other property as shall not exceed such sum in value; all washing apparatus, not to exceed fifty dollars in value; one sewing machine, and all family portraits and pictures; one cooking stove and appendages, and other cooking utensils not to exceed in value twenty-five dollars; nine per centum of the salary, wages, or income earned by labor, of every person earning a salary, wages, or income of fifty dollars or less per month, provided that the lien created by service of garnishment, execution, or attachment, shall only affect ten per centum of such salary, wages, or income earned at the time of service of process; of the salary, wages, or income earned by labor, of every person earning a salary, wages or income in excess of fifty dollars per month, forty-five dollars per month and no more shall be exempt."

Mr. Niles offered the following amendments to said bill:

1. Amend by striking out the word "fifty" wherever it occurs in lines 10, 15, 39 and 43 and insert in lieu thereof the words "seventy-five." Also by striking out the words "forty-five" wherever they occur in lines 15 and 44 and insert in lieu thereof the words "sixty-seven and one half."

2. Amend by adding at the end of the bill after the words "shall be exempt" the words "provided that these amended exemptions shall only apply in actions brought upon contracts entered into after the effective date of this act and no provision of this law shall be construed to make it retroactive in effect.

Said amendments were severally agreed to.

Mr. Chinn moved that this session be extended until the bill under consideration be disposed of.

Said motion was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
W. B. Creekmore,
Wm. S. Dean,
Chas. W. Fulton,
L. B. Herrington,
R. Dillard Hunter,
S. B. Johnson,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
S. P. Parks,
John C. Pirtle,
G. H. Plitt,
A. H. Points,
J. F. Porter,
W. A. Price,
R. A. Read,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,

—55

Those who voted in the negative were—

O. Houston Brooks,	Robt. L. Harris,	L. R. Ray,
S. M. Carson,	L. C. Owings,	W. H. Shanks,
J. P. Chinn,	C. C. Patrick,	W. R. Whitlow,
J. R. Claypool,	W. F. Pitman,	J. H. Williams,
H. C. Duffy,	M. F. Pogue,	J. R. Zimmerman,
L. H. Francis,		—16

Resolved that the title thereof be as aforesaid.

Mr. Russell moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

At 1:50 o'clock p. m. the House adjourned until 3:30 o'clock.

AFTERNOON SESSION.

At 3:30 o'clock p. m. the House met pursuant to adjournment.

Mr. Fulton, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills and resolutions of the following titles, viz:

H. Res. 11. Resolution for the benefit of the ministers of the Gospel of Frankfort.

S. Res. 17. Resolution changing the name of the public road leading from Elizabethtown, Kentucky, now known as the Louisville and Nashville Pike and from Elizabethtown through Hodgenville, Kentucky, to the Lincoln Farm in Larue County, Kentucky.

H. B. 250. An act granting pensions to disabled, indigent Confederate soldiers.

S. B. 71. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898.

S. B. 78. An act to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of the Kentucky Statutes of 1903, to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the penitentiaries, houses of reform and State reformatories of Kentucky, to provide for the employment, care and supervision of such persons while so on parole and to that end for the appointment of an employment agent, to define his duties and fix his compensation, and to further provide for the final discharge by the said board of paroled prisoners who shall have been obedient to the terms of their paroles.

S. B. 79. An act to amend an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth," which became a law March 5, 1898.

Whereupon all other business was suspended, said bills and resolutions were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills and resolutions.

Ordered that the Enrolling Clerk deliver said bills and resolutions to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills and resolutions which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills and resolutions which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 435. An act prohibiting waiters and servants from accepting "tips" in hotels and restaurants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any waiter, servant, employe or attache of any hotel, inn or public eating house to accept any money or other thing of value as a tip.

§ 2. That for any violation of this act the person or persons so offending shall upon conviction be fined in the sum of not less than ten, nor more than twenty dollars for each offense.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	Marion F. Pogue,
W. D. Allbright,	Chas. W. Fulton,	J. F. Porter,
J. W. Berkshire,	F. E. Graves,	L. R. Ray,
P. W. Berkshire,	L. B. Herrington,	R. A. Read,
Eli Berry.	John W. Holland,	Geo. W. Reid,
O. Houston Brooks,	Hite Huffaker,	G. T. Reynolds,

J. T. Buford,	R. Dillard Hunter,	H. T. Rich,
S. M. Carson,	O. M. Kelsey,	J. F. Richardson,
L. H. Carter,	J. H. Lackey,	Sam'l L. Robertson,
W. G. Caudill,	H. L. Lewis,	S. M. Russell,
Henry Chunn,	L. C. Littrell,	H. A. Schoberth,
J. R. Claypool,	Don G. McVean,	S. A. Shanklin,
Z. A. Clore,	Frank S. Moore,	W. H. Southall, Jr.,
M. G. Colson,	H. J. Meyers,	John S. Steers,
Albert J. Counts,	Ben E. Niles,	J. W. Turner,
Peter J. Cosgrove,	L. C. Owings,	Geo. C. Waggoner,
S. F. Crabtree,	W. V. Perry,	W. R. Whitlow,
W. L. Craig,	John C. Pirtle,	L. F. Withers,
C. F. Crecelius,	G. H. Plitt,	J. R. Zimmerman,
H. C. Duffy,		—58

Those who voted in the negative were—

J. P. Chinn,	A. H. Points,	J. J. Taylor,
Robt. L. Harris,	Farris Roberts, Jr.,	W. F. Welch,
S. B. Johnson,	S. C. Roberts,	J. H. Williams,
W. F. Pitman,		10

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The house took up for consideration from the Orders of the Day a bill entitled,

H. B. 38. An act to amend Article 2 of Chapter 6 of Title 6 of the Code of Practice in criminal cases, relating to the time of trial.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 185 of the Code of Practice in Criminal Cases be amended by inserting therein after the word "found" and before the word "the" in the second line thereof the words "or be summoned or arrested three days before the time fixed for the trial," so that said section when amended will read as follows: If the defendant be in custody, or on bail, when the indictment is found, or be summoned or arrested three days before the time fixed for the trial, the trial may take place at the same term of court, at a time to be fixed by the court.

§ 2. That Section 187 of the Code of Practice in Criminal Cases be amended by striking therefrom the words "commencement of the term," and by inserting therein after the word "summoned" and before the word "three" the words "or arrested," and by inserting therein in lieu of the words "commencement of the term" the words "day fixed for the trial" so that said section when amended will read as follows: All prosecutions shall stand for trial on the day to which they are docketed, if the defendant be in custody, or on bail or have been summoned or arrested three days before the day fixed for the trial.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. H. Francies,	A. H. Points,
W. D. Allbright,	G. G. Frazier,	W. Price,
J. W. Berkshire,	Chas. W. Fulton,	R. A. Read,
P. W. Berkshire,	F. E. Graves,	Geo. W. Reid,

Eli Berry,	Robt. L. Harris,	G. T. Reynolds,
T. M. Bertram,	John W. Holland,	H. T. Rich,
O. Houston Brooks,	Hite Huffaker,	J. F. Richardson,
Frank J. Brown,	R. Dillard Hunter,	S. C. Roberts,
J. T. Buford,	S. B. Johnson,	Sam'l L. Robertson,
S. M. Carson,	O. M. Kelsey,	S. M. Russell,
W. G. Caudill,	L. C. Littrell,	H. A. Schoberth,
Henry Chunn,	Don G. McVean,	S. A. Shanklin,
J. R. Claypool,	Frank S. Moore,	W. H. Shanks,
Z. A. Clore,	H. J. Meyers,	W. H. Southall, Jr.,
Z. T. Coleman,	Ben E. Niles,	John S. Steers,
M. G. Colson,	L. C. Owings,	J. J. Taylor,
Albert J. Counts,	J. W. Perry,	E. E. Trivette,
Peter J. Cosgrove,	W. V. Perry,	Geo. C. Waggoner,
S. F. Crabtree,	John C. Pirtle,	W. F. Welch,
W. L. Craig,	W. F. Pitman,	W. R. Whitlow,
C. F. Crecelius,	G. H. Plitt,	J. H. Williams,
H. C. Duffy,	Marion F. Pogue,	L. F. Withers,

—66

Those who voted in the negative were—

J. R. Zimmerman,

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 363. An act prohibiting shooting, discharging and firing of guns of long range or loaded with high explosives.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person, except the regular militia of this Commonwealth when in practice under the direction of an officer thereof, who shall shoot, discharge or fire any gun or pistol loaded with high explosive, or which has a range of carrying power exceeding five hundred yards, shall be guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

The amendment heretofore proposed to said bill by the Committee on Criminal Law is as follows, viz.:

Strike out the word "or" at the end of the third line and insert in lieu thereof the word "and."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	C. F. Crecelius,	W. A. Price,
W. D. Allbright,	H. C. Duffy,	L. R. Ray,
J. W. Berkshire,	G. G. Frazier,	R. A. Read,
P. W. Berkshire,	Chas. W. Fulton,	Geo. W. Reid,
Eli Berry,	T. D. Graham,	G. T. Reynolds,

J. O. Bogie,	F. E. Graves,	H. T. Rich,
O. Houston Brooks,	John W. Holland,	J. F. Richardson,
Frank J. Brown,	M. Kelsey,	J. T. Riherd,
J. T. Buford,	J. H. Lackey,	S. C. Roberts,
S. M. Carson,	H. L. Lewis,	Sam'l L. Robertson,
L. H. Carter,	L. C. Littrell,	S. M. Russell,
W. G. Caudill,	H. J. Meyers,	S. A. Shanklin,
Henry Chunn,	Ben E. Niles,	W. H. Southall, Jr.,
J. R. Claypool,	L. C. Owings,	John S. Steers,
Z. A. Clore,	C. C. Patrick,	J. W. Turner,
Z. T. Coleman,	John C. Pirtle,	Geo. C. Waggoner,
M. G. Colson,	W. F. Pitman,	W. R. Whitlow,
Peter J. Cosgrove,	G. H. Plitt,	L. F. Withers,
S. F. Crabtree,	Marion F. Pogue,	J. R. Zimmerman,
W. L. Craig,	A. H. Points,	—59

Those who voted in the negative were—

S. B. Johnson,	J. F. Porter,	J. J. Taylor,
W. G. Keen,	Farris Roberts, Jr.,	Edward A. Weber,
J. W. Perry,	W. H. Shanks,	W. F. Welch,
		—9

Resolved that the title thereof be as follows, viz.:

An act prohibiting shooting, discharging and firing of guns at long range and loaded with high explosives.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 260. An act relating to weights, measures and balances and the appointment of an Inspector of weights and measures for counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Fiscal Court of every county in the State, within ninety days after this act takes effect, shall provide duplicates of the standard weights, measures and balances approved by the government of the United States; said duplicates shall be kept in the custody of the clerk of the County Court for each county and in the office of said clerk.

§ 2. The Fiscal Court of each county may in its discretion appoint an inspector of weights and measures, said inspector to be appointed by the Fiscal Court at its October session and he shall hold office for two years, or until his successor is elected and qualified. Before entering upon the discharge of his duties he shall execute a bond for the faithful performance of his duties, said bond to be approved by the judge of the County Court and the penal sum to be fixed by said judge of the County Court. The duties of the inspector shall not be incompatible with those of any other county office and the Fiscal Court may, in its discretion, authorize said duties to be performed by some county official.

§ 3. It shall be the duty of the inspector to test, at least once a year, all weights, measures, balances, scales, steel yards or beams in the county owned or used by any person, firm or corporation engaged in buying or selling merchandise, groceries, produce, poultry, grain, provender, meats, coal, ice, feed stuffs, iron, rags, metal, junk, wares, wool, hides, leather or other articles of trade or commerce, horses, cattle, sheep, hogs or other live stock, and using said scales, weights or measures for determing the weight of any said articles in either selling or buying same. The inspector shall also test all public scales where

commodities or live stock are weighed and for which fees are charged. The Fiscal Court shall provide the inspector with weights, measures and balances and such other apparatus as will enable him to make the necessary tests. In counties containing cities of the first, second and third classes, where any such cities by ordinances require inspections of weights, measures and balances as often and of like character in this act, the inspector herein provided shall not make any inspections in said city.

§ 4. The inspector shall receive as compensation the following fees: For testing each platform scales ordinarily used in weighing live stock, coal, grain, provender, wagons and heavy articles of like character, one dollar and fifty cents; for testing for each steel yard, balance, beam or any other scales, twenty-five cents, and for testing each weight and measure, five cents; said fees to be paid by the owner, operator or person in possession of said scales, weights and measures. The inspector after making any of the tests provided for herein, shall deliver to the owner or operator of scales, weights, measures and balances tested, a certificate setting forth the articles tested, the result and date of the test, and the inspector shall keep a complete record of all tests made and on the first Monday in each month shall file in the clerk's office of the County Court a statement over the signature showing the tests, if any, made by him during the previous month.

§ 5. Upon complaint of any person made by affidavit before the judge of the County Court, stating that he has been cheated or defrauded by the use of any scales, weights, balances or measures, within thirty days previous to said complaint, the County Judge shall order the inspector to immediately make a test of the scales, weights or measures complained of. If same are inaccurate in any respect, the owner, operator or person in charge of the scales, weights, or measures complained of, shall pay the fees of the inspection in addition to the other penalties prescribed by law. In the event that said scales, weights or measures complained of are found to be accurate, the complainant shall pay fees for testing. The inspector shall have the right to make a test

at any time, but there shall be fees charged for only one inspection per year of the same scales, weights or measures except in cases of complaint as herein provided. It shall be the duty of the inspector of weights and measures having knowledge or information of the use of false weights, or measures or inaccurate scales or measures in the county by any person whatsoever, to report same to the County Attorney and to the next succeeding grand jury, if the user is not sooner arrested and tried. The inspector shall aid in the prosecution of offenders under this act.

§ 6. Any person who shall buy or sell by any weight, balance, scales or measure that does not correspond to or agree with the weights, measures and balances herein provided, or shall use or give any false weights or measures, or shall keep any false weights, measures, scales or balances on hand for the purpose of buying or selling therewith shall be fined in any sum not less than four dollars nor more than one hundred dollars for each offense or a like sum for each and every month he continues to keep the false weights, measures, scales or balances on hand. Any person who shall refuse to permit the inspector to make a test of weights, measures, scales or balances, owned or operated by him, or under his control, or shall prevent or interfere with the inspector in doing so, or shall refuse to pay the fees for tests after same has been made, shall be fined for each offense in any sum not exceeding one hundred dollars, and for each and every day the said inspector is so prevented from making the tests provided for in this act, shall constitute a separate offense.

§ 7. Sections 4817, 4818 and 4819 of the Kentucky Statutes and all other laws in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	H. C. Duffy,	L. R. Ray,
J. W. Berkshire,	G. G. Frazier,	R. A. Read,
T. M. Bertram,	W. G. Keen,	Geo. W. Reid,
J. O. Bogie,	O. M. Kelsey,	G. T. Reynolds,
Frank J. Brown,	J. H. Lackey,	J. F. Richardson,
J. T. Buford,	L. C. Littrell,	J. T. Riherd,
S. M. Carson,	J. H. McWaters,	S. C. Roberts,
L. H. Carter,	Don G. McVean,	Sam'l L. Robertson,
W. G. Caudill,	[illegible]ers,	S. M. Russell,
J. P. Chinn,	L. C. Owings,	W. H. Shanks,
Henry Chunn,	J. W. Perry,	W. H. Southall, Jr.,
J. R. Claypool,	W. V. Perry,	J. W. Turner,
Z. A. Clore,	John C. Pirtle,	Geo. C. Waggoner,
M. G. Colson,	W. F. Pitman,	W. F. Welch,
Albert J. Counts,	G. H. Plitt,	W. R. Whitlow,
Peter J. Cosgrove,	A. H. Points,	L. F. Withers,
S. F. Crabtree,	J. F. Porter,	J. R. Zimmerman,
C. F. Crecelius,		

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Those who voted in the negative were—

Z. T. Coleman, C. C. Patrick,

Resolved, that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 325. An act to amend that part of an act entitled "An act for the government of cities of the first class" aproved July 1, 1893, which relates to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That Sections 212, 213, 214, 215, 216, 217, 218 and 219, of an Act entitled "An Act for the Government of Cities of the First Class," approved July First, Eighteen Hundred and Ninety-Three, being Sections 2998, 2999, 3000, 3001, 3002, 3003, 3004 and 3005 of the "Kentucky Statutes" of 1903 be, and the same are hereby repealed.

§ 2. That an act entitled "An act to amend Section Two Hundred and Nineteen of an Act entitled "An Act for the Government of Cities of the First Class," approved July First, One Thousand Eight Hundred and Ninety-Three," approved May Twenty-Sixth, One Thousand Eight Hundred and Ninety-Seven, being Section 3005 of the "Kentucky Statutes" of 1903, be, and the same is hereby repealed.'

§ 3. That Section 4 of an Act entitled "An Act to Amend an Act Entitled 'An Act for the Government of Cities of the First Class,' approved July First, Eighteen Hundred and Ninety-Three," approved March Twenty-First, Nineteen Hundred and Six, being Section 2998 of the "Kentucky Statutes" of 1903, be, and the same is hereby repealed.

§ 4. That in lieu of the provisions of law repealed by Sections One, Two and Three of this act, the following provisions be enacted, and the same shall be inserted in the "Act for the Government of Cities of the First Class," approved July First, Eighteen Hundred and Ninety-Three, and shall be part of said Acts, and be Sections 2998, 2999, 3000, 3001, 3002, 3003, 3004 and 3005, of "Kentucky Statutes."

"§ 2998. Within a reasonable time after the tax bills for the year have been listed with the Tax Receiver, he shall, by himself, deputy, or employes, mail to every person against whom any tax bill has been listed,

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to the Guardian and Committees of infants and lunatics, and to the Agents of absent property owners, whose addresses is unknown to him, a postpaid notice, directed to the best of his knowledge, giving a brief description of the property taxed, stating the number and amount of the bill, or bills, listed against the tax payer addressed, the date of their maturity, and the penalties imposed for non-payment; but the failure of the Tax Receiver to send such notice, or of the tax payer to receive it, shall not invalidate the tax, nor the interest, or penalties provided by this Act, nor any subsequent proceeding for the collection of either.

All of the tax bills uncollected, in whole or in part, on the First day of May, succeeding the day on which they were listed with the Tax Receiver for collection, shall be due, and thereafter shall bear interest at the rate of one-half (½) of one per cent (1 per cent) for every month, or fraction of a month, from said First day of May, until paid, or until the property of the delinquent has been sold for the tax, as hereinafter provided. Upon the First day of July, succeeding the day on which the tax bills were listed with the Tax Receiver for collection, there shall be added to all tax bills then unpaid, a penalty of Ten per cent (10 per cent) on the face of the bill, which shall be in addition to the interest above provided for.

Tax bills assessed against an Administrator, Executor, or Trustee, shall be a charge against the whole succession of trust estates, and may be enforced accordingly, aside, in either case, from the other remedies hereinafter given."

"§ 2999. Every Guardian, Committee, Trustee, or other fiduciary appointed under the laws of Kentucky, or by a deed or will recorded in any County Clerk's office therein, who has the management of any lands or improvements in the City, and every Agent of a non-resident of Kentucky, owning property in the City, who collects the rent thereof, or the husbands of women owning such lands or improvements, who collect the rent or income thereof in money, or enjoy the profits of such lands or improvements by occupying the same, shall before the First of

July of each year, pay out of the net income of such lands and improvements, the City tax assessed upon the same in the preceding year, with accrued interest, before applying such income to the wants of, or paying it over to, his beneficiaries or employer, any instructions of the latter notwithstanding; and, in default thereof, he shall be liable for such tax, to the amount of the income which he might have so applied, which liability may be enforced in equitable proceedings in any Court of competent jurisdiction in which it shall not be an answer that the city has a security in its lien upon the lands and improvements, and right to sell same for taxes."

"§ 3000. The Tax Receiver shall, as early in the month of July as is practicable, make a list of all the tax bills remaining wholly or in part unpaid on the First of July. He shall at once file the list with the City Comptroller. For reporting falsely he shall answer to the person aggrieved for all costs, penalties, and damages caused thereby; but neither a false report, shall invalidate subsequent proceedings under this act."

"§ 3001. Immediately upon the filing of these lists, the Tax Receiver or one of his deputies, shall distrain the goods and chattels owned by, or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon same, except that for State taxes, and may proceed to sell the title of such person in so much thereof as will pay the tax due, with penalties, interest, and costs. If there be no personal property reasonably available, out of which said bills can be collected by such distraint, the Tax Receiver shall sell any real estate belonging to, or listed by such delinquent tax payer, or enough thereof to pay the taxes due, with interest, penalties, and costs. No warrant shall be required for such distraint or sale of either personal or real property, but the tax bill, unpaid in whole or in part, shall give sufficient power for such distraint and sales, and all subsequent proceedings thereunder. He shall thus in each case make out of the property of the person assessed, the amount of the tax bill, or the unpaid part thereof, together with interest at the rate of One-half ($\frac{1}{2}$) of One per cent (1 per cent) per month, or fraction of a

month, from the First of May last past, and Ten per cent (10 per cent) on the face of the bill. Said tax bills shall have the force and effect of an execution issued upon a judgment against the delinquent, in addition to the tax lien now provided by law. The City shall have a lien on personal property as provided in case of real property, for its taxes. A sale of personalty under such tax bills shall be for cash, and the levy, advertisement, sale and delivery to purchaser shall be made in like manner as of goods levied upon under execution on replevin bond. When such tax bills are against a married woman, they may be also levied upon such goods of her husband, not exempt from levy under a like tax bill against himself, and found on any of the lands or improvements for which the married woman is assessed. A sale of real property under such bills shall be for cash, and in such case the Tax Receiver shall sell at public auction, so much of the property of the delinquent as shall pay the taxes due, with penalties, interest, and costs, in the same manner that property is sold under execution, except that the sale shall be had at the door of the City Hall, of the City in which the land lies, and need not be appraised or levied on. Such sale shall be advertised by posting for Fifteen (15) days before the sale, a written or printed notice at the City Hall door, and by publication once a week for four (4) weeks prior to the day of sale, in the newspaper published in the English language, selected by the General Council, to print its proceedings and ordinances; and the Tax Receiver shall, not less than Fifteen (15) days before the sale, mail to the delinquent, a postal card addressed to his place of residence, or place of business, if such can be ascertained, notifying him of the time and place of the sale; and in order to cover the cost of such advertisement and notification, the Tax Receiver shall have Two Dollars ($2.00) for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the City, and money so received shall be paid by the Tax Receiver into the City Treasurer; but the failure of the Tax Receiver to send, or of the tax payer to receive the mail notice of sale herein required, shall not invalidate the sale of any subsequent proceedings thereunder."

"§ 3002. If at any sale for taxes, of real property, no one will bid for or purchase the property offered for sale, at the amount of the tax, the charges due, and the cost of sale, including the cost of advertising, it shall be the duty of the Tax Receiver to purchase same for the City, for the amount of the tax due, with interest, and penalties, and cost of sale thereon. The owner of the real estate so sold, his heirs, representatives, assigns, shall have the same right to redeem such real estate from the purchaser thereof at any time within two years from the day of the sale, as is provided by law in the sale of real estate under execution, by paying to the Tax Receiver, the amount of the purchase price at said sale, with interest thereon at the rate of One per cent (1 per cent) per month, or fraction thereof, from the day of sale; and in case the land is not redeemed before the First day of April succeeding the sale, by paying a further penalty of Five per cent (5 per cent) upon the purchase price. During the Two years allowed for redemption, and until redemption, the land so sold shall be assessed for subsequent tax levies, in the name of the delinquent owner. During that time, there shall be no sale of the land for the collection of such later tax bills but the delinquent shall be required to pay said bills, with interest and penalties as above provided, upon the redemption of the land, in addition to the payment of the purchase price, with interest and penalties as hereinabove required. All moneys paid in redemption of land sold for City taxes, shall be paid to the Tax Receiver of the City, who shall account for such moneys in the same manner, and to the same officers as is required of him in the regular collection of taxes; except that, when the purchaser at a tax sale is not the City, the Tax Receiver shall pay over to the purchaser upon proper receipt, the amount of the purchase price, with interest and penalties thereon; but all moneys paid by the delinquent at the time of redemption in discharge of the bills against that land which was assessed subsequently to the tax for which the sale was had, shall be accounted for by the Tax Receiver as are other tax collection; and it shall be the duty of the Tax Receiver to promptly notify the purchaser at a tax sale of the redemption of the land purchased by him, by postpaid letter or card.

Persons under disability, whose lands have been sold for taxes, as herein provided, shall have the same right for the redemption of such lands, as are given them by law for the redemption of land sold for the payment of taxes due to the State of Kentucky."

"§ 3003. The Tax Receiver shall within Sixty (60) days after same are made, report the result of all tax sales to the Comptroller, giving the number and amount of the tax bill or bills, for which the sale was had, the date of sale, the amount bid, and the name of the purchaser; and he shall keep such a record in his own office in an appropriate book, in which an alphabetical index shall be kept of the names of the delinquents whose properties have been sold, and said book shall contain a column or space opposite each record of sale, in which shall be entered a record of the redemption of the land, or of its conveyance to the purchaser in case it be not redeemed.

Upon the purchase of any realty, the Tax Receiver shall deliver to the purchaser, other than the City, upon payment of the price, a certificate in substantially the following form:

"This is to certify that on this day_____, whose Post Office address is No_____Street, City of_____ State of _____, purchased at a tax sale of the City of _____, the following described real estate in said City:

_____

_____

_____

Said purchaser has paid therefor the sum of $_____, which represents the tax, penalties, interest and costs, on the following tax bills to the date of sale:

YEAR	NUMBER OF BILL	PERSON ASSESSED	FACE OF BILL
----	----------	----------	----------
----	----------	----------	----------

Witness my hand this_____day of_____, 19____

_____

Tax Receiver of City of_____

The Tax Receiver shall keep a duplicate of such certificates and a record of all proceedings taken by him at such sales. Should any person bid at such sale the amount to be raised, and then fail to pay same, the Tax Receiver shall immediately re-sell said property. No levy or attempted levy upon personalty shall be necessary to validate any sale of realty, whether such realty be sold for taxes on realty, or on personalty, or both."

"§ 3004. If the land be not redeemed within two years from the date of sale, a fee simple title shall vest absolutely in the purchaser, subject only to State taxes. Thereupon, the Tax Receiver then in office, shall convey the property by deed to the purchaser, who shall then be entitled to possession of the property, and have the right to recover same by suit or motion, as may be found most appropriate; Provided: That it shall be the duty of a purchaser, other than the City to pay all later tax-bills, owing to the City, with interest, as provided in Section 2998, which were assessed against that property after the assessment of the tax for which it was sold, and the Tax Receiver shall not convey the property to such a purchaser until all such tax bills have been paid. Such deed shall be prima facie evidence of the regularity of sale, and of all prior proceedings, and title in the person to whom the deed has been executed.

The City Comptroller may advertise and sell at public auction any lands which were purchased by the City at tax sale, and to which the City has received a deed, and of which it has possession, and may convey said land by deed to the purchaser, provided that he may be directed as to the time and manner of sale by ordinance of General Council. No real property thus acquired by the City, except such as may be proper and necessary for public purposes, shall be held by the City longer than Five (5) years after being vested with title, and unless the same is sold and conveyed by the City within that period of time, the title thereto shall escheat to the Commonwealth of Kentucky."

"§3005. In addition to the powers given to cities of the First Class by the foregoing provisions of this act, for the collection of taxes

by sale of the delinquent's property under a tax bill, such cities shall have the power to enforce collection of any tax bill due them by all remedies given for the recovery of debt in any Court of the Commonwealth otherwise competent for that purpose.

On the First day of September, in the year in which the assessment is made, a lien shall attach upon any and all property, real or personal, of the taxpayer in said City for any and all taxes assessed against him on either real or personal property, as well as on the particular property assessed.

This act shall in no wise invalidate or suspend any suit or action now pending for the enforcement of any tax now due, but said suits and actions may be prosecuted as though this act had not been passed. In addition, all the remedies provided in this act, shall apply to any unpaid tax bills, whether assessed for the year 1910, or any previous year.

All tax bills, for whatever year levied, which shall be owing to a City of First Class, on June Thirtieth, Nineteen Hundred and Ten, and which are then due and unpaid, in whole or in part, whether in suit or not, shall on and after that date, be subject to the provisions of this act, both as to interest and penalties (including the penalty of Ten per cent (10 per cent) to be added on July First) as to collection by sale under tax bill or by suit. For the collection of all tax bills not in suit, which are due and unpaid, the Tax Receiver shall in July, Nineteen Hundred and Ten, proceed by sale as hereinafter provided."

§ 5. That all other laws, and parts of laws, not mentioned in Sections One, Two and Three, of this act, and in conflict with the provisions thereof, are hereby repealed.

Whereas, Cities of the First Class are now suffering great inconvenience and loss from current and past delinquincies in tax payments, an emergency is hereby declared to exist, and this act shall become a law when approved by the Governor.

Mr. Robertson offered an amendment to said bill as follows, viz.:

Amend Section 3001 by striking out the words "or listed by" and inserting the words, "except that where there are bona fide mortgage or vendor's liens of record on real estate, only liens now given by law shall be enforced by such sale."

Said Section 3001 should read when so amended as follows:

Immediately upon the filing of these lists, the Tax Receiver, or one of his deputies, shall distrain the goods and chattels owned by, or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon same, except that for State taxes, and may proceed to sell the title of such person in so much thereof as will pay the tax due, with penalties, interests, and costs. If there be no personal property reasonably available, out of which said bills can be collected by such distraint, the Tax Receiver shall sell any real estate beonging to such delinquent tax payer, or enough thereof to pay the taxes due, with interest, penalties and costs, except that where there are bona fide mortgages or vendor's liens of record on real estate, only liens now given by law shall be enforced by such sale. No warrant shall be required for such distraint or sale of either personal or real property, but the tax bill, unpaid, in whole or in part, shall give sufficient power for such distraint and sales, and all subsequent proceedings thereunder. He shall thus in each case make out of the property of the person assessed, the amount of the tax bill or the unpaid part thereof, together with interest at the rate of one-half of one per cent. per month, or fraction of a month, from the first of May last past, and ten per cent of the face of the bill. Said tax bills shall have the force and effect of an execution issued upon judgment against the delinquent, in addition to the tax lien now provided by law. The city shall have a lien on personal property as provided in case of real property, for its taxes. A sale of personalty under such tax bills shall be for cash. and the levy, advertisement, sale and delivery to purchaser shall be made in like manner as of goods levied upon under execution on replevin bond. When such tax bills are against a married woman, they may

be also levied upon such goods of her husband, not exempt from levy under a like tax bill against himself, and found on any of the lands or improvements for which the married woman is assessed. A sale of real property under such bills shall be for cash, and in such cases the Tax Receiver shall sell at public auction, so much of the property of the delinquent as shall pay the taxes due, with penalties, interest, and costs, in the same manner that property is sold under execution, except that the sale shall be had at the door of the City Hall of the City in which the land lies and need not be appraised or levied on. Such sale shall be advertised by posting for fifteen days before the sale, a written or printed notice at the City Hall door, and by publication once a week for four weeks prior to the day of sale, in the newspaper published in the English language, selected by the General Council to print its proceedings and ordinances, and the Tax Receiver shall, not less than fifteen days before the sale, mail to the delinquent, a postal card addressed to his place of residence, or place of business, if such can be ascertained, notifying him of the time and place of the sale, and in order to cover the cost of such advertisement and notification, the Tax Receiver shall have two dollars for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the City, and money so received shall be paid by the Tax Receiver into the City Treasurer, but the failure of the Tax Receiver to send, or of the tax payer to receive the mail notice of sale herein required, shall not invalidate the sale of any subsequent proceedings thereunder.

Amend Section 3005 by striking out the words, "On the First day of September, in the year in which the assessment is made, a lien shall attach upon any and all property, real or personal, of the taxpayer in said City for any and all taxes assessed against him on either real or personal property, as well as on the particular property assessed."

Said Section 3005 should then read as follows:

In addition to the powers given to Cities of the First Class by the foregoing provisions of this act, for the collection of taxes by sale of the delinquent's property under a tax bill, such cities shall have the

power to inforce collection of any tax bill due them by all remedies given for the recovery of debt in any Court of the Commonwealth otherwise competent for that purpose.

This act shall in no wise invalidate or suspend any suit or action now pending for the enforcement of any tax now due, but said suits and actions may be prosecuted as though this act had not been passed. In addition, all the remedies provided in this act, shall apply to any unpaid tax bills, whether assessed for the year 1910 or any previous year.

All tax bills, for whatever year levied, which shall be owing to a City of the First Class, on June thirtieth, Nineteen Hundred and Ten, and which are then due and unpaid, in whole or in part, whether in suit or not, shall on and after that date, be subject to the provisions of this act, both as to interest and penalties, including the penalty of ten per cent. to be added on July, First) and as to collection by sale under tax bill or by suit. For the collection of all tax bills not in suit, which are due and unpaid, the Tax Receiver shall in July, Nineteen Hundred and Ten, proceed by sale herein provided.

Mr. Huffaker offered an amendment to said bill as follows:

Amend by striking out the word "ten" in line 23 on page 3 and insert in lieu thereof the word "five."

By striking out the word "ten" in line 20 on page 5 and insert in lieu thereof the word "five."

By striking out the word "one" in line 12, page 7 and inserting in lieu thereof the words "one-half."

By striking out the words following the word "and" in line 13 on page 7 and including the word "price" in line 16.

Mr. Robertson moved that the further consideration of said bill be postponed and that the same be made the special order for to-morrow morning at 10:30 o'clock.

Said motion was agreed to.

At the instance of the Committee on Rules,

Mr. W. V. Perry of the Committee on Revenue and Taxation to which the same had been referred reported a bill entitled:

S. B. 320. An act requiring Fiscal Courts to levy a tax to create a sinking fund for the purpose of erecting and equipping suitable court houses and other public buildings and prescribing penalties for failure to perform such duties.

Said bill was read the first time at length and ordered to be placed on the Calendar.

And then the House adjourned.

WEDNESDAY, MARCH 9, 1910.

The House was opened with prayer by the Rev. M. B. Adams of the First Baptist Church of Frankfort.

The reading of the journal of yesterday's proceedings was dispensed with.

The House took up for consideration from the Calendar a bill entitled,

S. B. 320. 'An act requiring Fiscal Courts to lay tax, create sinking fund for the purpose of erecting and equipping suitable court houses and other public buildings and prescribing penalties for failure to perform such duties.

Ordered that said bill be read the second time.

The constitutional provision as to the second reading of said bill at length being dispensed with it was read the third time by its title.

Ordered that said bill be placed in the Orders of the Day.

A message was received from the Governor announcing that he had approved and signed a joint resolution which originated in the House of Representatives, entitled,

H. Res. 11. Resolution for the benefit of the ministers of the Gospel of Frankfort.

A message was received from the Senate announcing that they had passed a bill which originated in the House of Representatives entitled,

H. B. 354. An act for the benefit of the Home for Incurables.

At the instance of the Committee on Rules,

Mr. Fulton of the Committee on Redistricting-legislative reported a resolution entitled,

S. Res. 15. Resolution providing for the appointment of a committee to devise a plan to re-district the State into Appellate, Congressional, Judicial and Legislative Districts.

Said resolution is as follows, viz.:

Whereas, the Constitution of the State required that the State shall be re-districted into Appellate, Congressional, Judicial and Legislative Districts every ten years, and

Whereas, the last re-districting law passed by the Legislature has been declared void, and

Whereas, more than ten years have elapsed since the present Districts of the State were made, and

Whereas, the Federal Government has begun the taking of a new census which will be completed before the regular meeting of the next General Assembly of the State, and

Whereas, it is desirable that accurate information concerning the population of the State and each District thereof be obtained for the benefit of the members of the General Assembly in forming a bill or bills for the purpose of re-districting the State into Appellate, Congressional, Judicial and Legislative Districts:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1st. That a committee is hereby created to consist of eight members to be composed of the Lieutenant Governor, Speaker of the House and three members from the Senate to be appointed by the Rules Committee of the Senate, and three members of the House to be appointed by the Speaker of the House. The Committee shall examine into the conditions of the various Appellate, Congressional, Judicial and Legislative Districts of the State and prepare a report as to the population of each proposed district.

They shall also prepare a bill or bills re-districting the State as contemplated by the Constitution. They shall submit their report to the Governor thirty days before the meeting of the next General

Assembly. The Governor of the Commonwealth shall transmit the report of the Committee and any bills or suggestions that they may make, to the next session of the General Assembly.

2nd. Said Committee shall receive for their services five dollars per diem and actual expenses incurred while in session provided they shall not be paid for more than fifteen days; and the Auditor of Public Accounts is directed on the filing of itemized and certified accounts of such per diem and expenses to draw his warrant upon the Treasurer for payment of same.

Said resolution was taken up for consideration, was read at length and concurred in.

The hour of 10:30 o'clock A. M. having arrived, the hour for the special order of the day to-wit, a bill entitled,

H. B. 325. An act to amend that part of an act entitled "An act for the government of cities of the First Class," approved July 1, 1893, which relates to revenue and taxation.

(For bill and amendments proposed thereto see yesterday's Journal of the House.)

The amendment as proposed by Mr. Robertson yesterday was agreed to.

The amendment as offered by Mr. Huffaker on yesterday was disagreed to.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	G. H. Plitt,
W. D. Allbright,	F. E. Graves,	Marion F. Pogue,
J. W. Berkshire,	Robt. L. Harris,	J. F. Porter,
Eli Berry,	L. B. Herrington,	W. A. Price,
T. M. Bertram,	John W. Holland,	Geo. W. Reid,
O. Houston Brooks,	R. Dillard Hunter,	H. T. Rich,
Frank J. Brown,	S. B. Johnson,	J. F. Richardson,
J. T. Buford,	O. M. Kelsey,	Sam'l L. Robertson,
S. M. Carson,	Wm. F. Klair,	S. M. Russell,
W. G. Caudill,	J. H. Lackey,	W. H. Southall, Jr.,
J. P. Chinn,	John M. Letterle,	John S. Steers,
J. R. Claypool,	Hugh Mahin,	Geo. C. Waggoner,
Z. A. Clore,	J. H. McWaters,	Edward A. Weber,
Z. T. Coleman,	Don G. McVean,	W. R. Whitlow,
M. G. Colson,	Frank S. Moore,	J. H. Williams,
Albert J. Counts,	H. J. Meyers,	L. F. Withers,
C. F. Crecelius,	W. H. Newell,	J. R. Zimmerman,
Wm. S. Dean,	L. C. Owings,	

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Those who voted in the negative were—

G. G. Frazier,	H. L. Lewis,	S. C. Roberts,
Chas. W. Fulton,	W. V. Perry,	W. Logan Shearer,
Robt. C. Hill,	A. H. Points,	W. F. Welch,
Hite Huffaker,		

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Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 380. An act limiting the time in which certain actions by the Commonwealth, county, city or other taxing district may be instituted.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No action or proceeding by the Commonwealth or any county, city or other taxing district, for enforcement of any lien for taxes or for recovery of possession of any property, which has been sold for taxes, shall be maintained, unless such action or proceeding is commenced within five years after such right first accrued.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed.

§ 3. In view of the fact that there is great doubt as to the condition of the title of much of the property of the Commonwealth which has been sold at tax sales, and in order that such titles should be speedily confirmed and settled, an emergency is hereby declared to exist and this act shall take effect from and after its passage and approval.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	G. H. Plitt,
W. D. Allbright,	Chas. W. Fulton,	Marion F. Pogue,
W. D. Allbright,	F. E. Graves,	A. H. Points,
P. W. Berkshire,	Robt. L. Harris,	J. F. Porter,

Eli Berry,	L. B. Herrington,	W. A. Price,
J. O. Bogie,	Samuel D. Hines,	R. A. Read,
O. Houston Brooks,	John W. Holland,	Geo. W. Reid,
Frank J. Brown,	Hite Huffaker,	G. T. Reynolds,
J. T. Buford,	O. M. Kelsey,	H. T. Rich,
S. M. Carson,	Wm. F. Klair,	J. F. Richardson,
L. H. Carter,	J. H. Lackey,	J. T. Riherd,
W. G. Caudill,	John M. Letterle,	S. C. Roberts,
J. P. Chinn,	H. L. Lewis,	H. A. Schoberth,
Henry Chunn,	L. C. Littrell,	S. A. Shanklin,
Sidney G. Clay,	J. H. McWaters,	W. H. Shanks,
J. R. Claypool,	Don G. McVean,	W. Logan Shearer,
Z. A. Clore,	Frank S. Moore,	W. H. Southall, Jr.,
Z. T. Coleman,	Ben E. Niles,	E. E. Trivette,
M. G. Colson,	L. C. Owings,	J. W. Turner,
Albert J. Counts,	S. P. Parks,	Geo. C. Waggoner,
S. F. Crabtree,	C. C. Patrick,	W. F. Welch,
W. L. Craig,	J. W. Perry,	W. R. Whitlow,
C. F. Crecelius,	W. V. Perry,	J. H. Williams,
Wm. S. Dean,	John C. Pirtle,	L. F. Withers,
H. C. Duffy,	W. F. Pitman,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 381. An act to purchasers of land where same has been previously sold for delinquent taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall hereafter be the duty of all Circuit Judges, when delivering their charge to the grand juries in each county, at the first term of court following the sale of land for delinquent taxes by sheriffs, or other tax collectors, to read as part of their charge Section 4163 Kentucky Statutes, relating to the duties of county attorneys. That whenever any land has been sold by sheriffs, or other tax collectors for delinquent taxes due the State, or any county, or taxing district, and the same have remained uncollected for as long as five years and the tax debtor has been permitted to hold, occupy, or control said land as his own and the title to same has been alienated or passed to another, then the State, county, or taxing district, shall be forever barred from recovering said tax by reason of any right, title, or lien that might have existed for same.

Mr. Price offered the following amendment to said bill:

Beginning in line ten strike out the following words, " and the title to same has been alienated or passed to another."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	W. Price,
W. D. Allbright,	Robt. L. Harris,	Geo. W. Reid,
J. W. Berkshire,	Samuel D. Hines,	G. T. Reynolds,
P. W. Berkshire,	John W. Holland,	H. T. Rich,
Eli Berry,	R. Dillard Hunter,	J. T. Riherd,
J. O. Bogie,	S. B. Johnson,	S. C. Roberts,
Frank J. Brown,	W. G. Keer.	S. M. Russell,
J. T. Buford,	O. M. Kelsey,	H. A. Schoberth,
S. M. Carson,	Wm. F. Klair,	S. A. Shanklin,
L. H. Carter,	J. H. Lackey,	W. H. Shanks,
W. G. Caudill,	John M. Letterle,	W. Logan Shearer,
Henry Chunn,	L. C. Littrell,	W. H. Southall, Jr.,
J. R. Claypool,	Hugh Mahin,	John S. Steers,
Z. A. Clore,	Frank S. Moore,	E. E. Trivette,
Z. T. Coleman,	Ben E. Niles,	J. W. Turner,
M. G. Colson,	L. C. Owings,	Geo. C. Waggoner,
S. F. Crabtree,	S. P. Parks,	Edward A. Weber,
W. L. Craig,	C. C. Patrick,	W. F. Welch,
C. F. Crecelius,	W. V. Perry,	W. R. Whitlow,
Wm. S. Dean,	W. F. Pitman,	J. H. Williams,
H. C. Duffy,	Marion F. Pogue,	L. F. Withers,
G. G. Frazier,	A. H. Points,	J. R. Zimmerman,

—66

Those who voted in the negative were—

Robt. C. Hill,	J. W. Perry,	G. H. Plitt,

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 233. An act for the purchase of additional land adjoining the new Capitol grounds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Sinking Fund of Kentucky by that name and style, are hereby created and authorized as a board, to carry out the provisions of this act and to purchase the land herein provided for. The said board is hereby authorized, empowered and directed to purchase at a price not exceeding ten thousand dollars the land herein described for the location of a Governor's mansion, or the extension of the New Capitol grounds, the following described tract or parcel of land, lying and being in the city of Frankfort and contiguous to the New Capitol grounds, and lying north and east of the said grounds, and bounded on the west by Logan street, or the New Capitol grounds, on the south by the same grounds, on the east by the Frankfort and Lawrenceburg road, on the north by the lands of James Norrell and Mrs. Lucy B. Sargent; the said tract of land consisting of about three and one-half acres of ground more or less and described as follows: "Commencing on Logan street where the property of Mrs. Lucy B. Sargent intersects with said street, running south with the east line of Logan street about three hundred feet, more or less, to the south end of Logan street, and to the land formerly owned by Mrs. Mary S. Johnson, now a part of the New Capitol grounds; thence in an eastern direction with said line about eight hundred feet, more or less to the Frankfort and Lawrenceburg turnpike road; thence north with the west line of said road about three hundred feet, more or less,

to the Norrell corner; thence westwardly with the Norrell line about six hundred feet to the corner of James Kibby and Mrs. Lucy B. Sargent; thence south with Mrs. Sargent's line about twenty-five feet; thence west with her line about two hundred feet to the place of beginning, being the land owned by L. F. Johnson, and being a part of the same which he purchased from the Hunt estate." There is hereby appropriated the sum of ten thousand dollars, or so much thereof as may be necessary for said purpose; said sum of money to be paid out of the treasury out of money not otherwise appropriated.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed to the extent of such conflict only.

Mr. Graves offered the following amendment to said bill:

Amend Section 1 by adding the following: "Provided that upon thorough investigation the title to same is found to be perfect."

Said amendment was agreed to.

Mr. Carter offered the following amendment to said bill:

Strike out of Section 1 the following words: "For the location of the Governor's mansion," in Section 7.

Said amendment was disagreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
J. P. Chinn,
Sidney G. Clay,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
W. V. Perry,
W. F. Pitman,
G. H. Plitt,
A. H. Points,
W. A. Price,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
Farris Roberts, Jr.,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
W. Logan Shearer,
John S. Steers,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,

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Those who voted in the negative were—

P. W. Berkshire,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. T. Coleman,
S. F. Crabtree,
W. L. Craig,
G. G. Frazier,
Chas. W. Fulton,
Robt. C. Hill,
J. H. McWaters,
J. W. Perry,
J. F. Porter,
J. T. Riherd,
S. C. Roberts,

—16

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 498. An act to allow the Fiscal Court of McLean County to construct a sewer from the court house in said county for the protection of health of the citizens of McLean County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Fiscal Court of said County of McLean, be, and it is hereby, permitted to construct a sewer from said courthouse to Green River or across Main Street to a ravine. The location of said sewer to be left to the option of the said Fiscal Court and the cost of construction of said sewer to be taken out of the County Levy.

§ 2. An emergency is hereby declared to exist for the protection of the health of the citizens of McLean County attending business at said courthouse.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
L. H. Francis,
G. G. Frazier,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
John W. Holland,
R. Dillard Hunter,
S. B. Johnson,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
Hugh Mahin,,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
J. F. Porter,
W. A. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Scoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 523. An act to require owners of stock living on islands of the Mississippi river within jurisdiction of Kentucky to keep up river stock.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That on islands in the Mississippi river in the jurisdiction of Kentucky it shall not be required to enclose land with a lawful fence, but that on said island the stock must be kept in inclosures by the owners thereof, and the owners permitting any stock running at large shall be liable for any damage said stock may do.

An island within the meaning of this act is defined to be a body of land in the Mississippi river wherein the channel of the river is between the island and the mainland of Kentucky.

By reason of the fact that the fencing on said land on said island cannot be made permanent, an emergency is declared to exist, this act is to take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Samuel D. Hines,	W. A. Price,
W. D. Allbright,	John W. Holland,	R. A. Read,
J. W. Berkshire,	R. Dillard Hunter,	Geo. W. Reid,
P. W. Berkshire,	S. B. Johnson,	G. T. Reynolds,
Eli Berry,	W. G. Keen,	J. F. Richardson,
T. M. Bertram,	O. M. Kelsey,	J. T. Riherd,
S. M. Carson,	Wm. F. Klair,	Farris Roberts, Jr.,
W. G. Caudill,	J. H. Lackey,	S. C. Roberts,
J. P. Chinn,	John M. Letterle,	S. M. Russell,
Henry Chunn,	Hugh Mahin,	H. A. Schoberth,
J. R. Claypool,	J. H. McWaters,	S. A. Shanklin,
Z. T. Coleman,	Don G. McVean,	W. Logan Shearer,
M. G. Colson,	Frank S. Moore,	W. H. Southall, Jr.,
S. F. Crabtree,	H. J. Meyers,	John S. Steers,
W. L. Craig,	Ben E. Niles,	J. J. Taylor,
C. F. Crecelius,	W. H. Newell,	E. E. Trivette,
W. B. Creekmore,	L. C. Owings,	J. W. Turner,
H. C. Duffy,	W. V. Perry,	Edward A. Weber,
G. G. Frazier,	John C. Pirtle,	W. R. Whitlow,
F. E. Graves,	W. F. Pitman,	J. H. Williams,
Robt. L. Harris,	Marion F. Pogue,	L. F. Withers,
L. B. Herrington,	J. F. Porter,	J. R. Zimmerman,

—66

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 234. An act to regulate premiums charged or exacted by guarantee and surety companies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All companies mentioned in Section 723 of Kentucky Statutes, Carroll's Edition of 1903, before doing business in this State, or continuing therein, shall file with the Insurance Commissioner, a list enumerating and classifying the risks, against which they propose to insure. It shall be unlawful for any such company to insure against risks, other than those so enumerated and classified; or, to charge or exact a premium rate upon or for risks in this State, greater or in excess of that charged or exacted upon or for a like risk in any other State. Said companies shall execute before the Insurance Commissioner a bond to the Commonwealth of Kentucky, with surety to be by him approved, in the penal sum of ten thousand dollars, conditioned that premiums charged or exacted in this State, shall not exceed those charged or exacted in any other State, upon or for a like risk.

§ 2. Any such company violating any of the provisions of Section 1 of this act shall forfeit its right to do business in this State.

§ 3. Upon the breach of the conditions of its bond by any such company, the Attorney General shall proceed to collect said bond and all collections or recoveries thereon shall be covered into the State Treasury.

Mr. Akin offered the following amendment to said bill:

Amend by inserting after the word "State" in line 8 and Section 1 the following: "Provided, however, that the law of all other States

governing or applying to like bond or bonds is the same in said other States as the law of this State governing or applying to such like bonds in this State; and it shall be the duty of the Insurance Commissioner of this State to obtain from all other States copies of laws governing or applying to each class of bonds required or given in said States and the rate of premium charged therefor.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,	T. D. Graham,	A. H. Points,
Eli Berry,	F. E. Graves,	J. F. Porter,
T. M. Bertram,	L. B. Herrington,	W. A. Price,
O. Houston Brooks,	John W. Holland,	R. A. Read,
Frank J. Brown,	S. B. Johnson,	Geo. W. Reid,
L. H. Carter,	W. G. Keen,	G. T. Reynolds,
W. G. Caudill,	Wm. F. Klair,	J. F. Richardson,
J. P. Chinn,	J. H. Lackey,	J. T. Riherd,
Henry Chunn,	John M. Letterle,	S. C. Roberts,
Sidney G. Clay,	Hugh Mahin,	S. M. Russell,
J. R. Claypool,	J. H. McWaters,	S. A. Shanklin,
Z. A. Clore,	Don G. McVean,	W. H. Shanks,
Z. T. Coleman,	H. J. Meyers,	W. Logan Shearer,
M. G. Colson,	W. H. Newell,	W. H. Southall, Jr.,
Albert J. Counts,	L. C. Owings,	J. J. Taylor,
Peter J. Cosgrove,	S. P. Parks,	E. E. Trivette,

S. F. Crabtree,	C. C. Patrick,	J. W. Turner,
W. L. Craig,	J. W. Perry,	Geo. C. Waggoner,
C. F. Crecelius,	W. V. Perry,	Edward A. Weber,
W. B. Creekmore,	John C. Pirtle,	W. F. Welch,
H. C. Duffy,	W. F. Pitman,	W. R. Whitlow,
G. G. Frazier,	G. H. Plitt,	J. R. Zimmerman,
Chas. W. Fulton,	Marion F. Pogue,	—68

Those who voted in the negative were—

R. H. Akin,	John W. Holland,	Ben E. Niles,
Samuel D. Hines,		—4

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules:

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 297. An act providing that the names of candidates put on a ballot by petition shall not be placed under the device of a political party entitled to nominate by primary or convention.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section fourteen hundred and fifty-three Kentucky Statutes, be amended, so that the section as amended will read as follows:

"The County Clerk of each county shall cause to be printed on the respective ballots the name of the candidates nominated by the

convention or primary election of any party that cast two per cent of the total vote of the State at the last preceding general election, as certified to the said clerk by the presiding officer and secretary of said convention, or in the case of a primary election, by the secretary and chairman of any district committee; and also the names of any candidates for any office, when petitioned so to do by electors qualified to vote for such candidates, as follows: For a State officer or any officer for violation all the electors of the State are entitled to vote, one thousand petitioners; for a representative in Congress from any congressional district, or any other district except as herein provided, four hundred petitioners; for a county officer or a member of the General Assembly, one hundred petitioners; for an officer of a precinct or any other ward, or other division less than a county, twenty petitioners. The signatures of such petition need not be appended to one paper, but no petitioner shall be counted except his residence and post office address be designated. Such petition shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire and are legally qualified to vote for such candidate; and shall designate a brief name or title of the party or principle which said candidates represent, together with any simple figure or device by which they shall be designated on the ballot. The certificate of nomination by a convention or primary election shall be in writing, and shall contain the name of each person nominated, his residence and the office to which he is nominated, and shall designate a title for the party or principle which such convention or primary election represents, together with any simple figure or device by which its list of candidates may be designated on the ballots; said certificate shall be signed by the presiding officer and secretary of such convention, or by the chairman and secretary of the county, city or district committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to administer oaths. If the certificate of nomination in any State convention shall request that the figure or device selected by such convention be used to designate the candidates of such

party on the ballots for all elections throughout the State such figure or device shall be used until changed by request of a subsequent State convention of the same party. Such device may be any appropriate symbol; but the coat of arms or seal of the State, or of the United States, the National flag, or any other emblem common to the people at large, shall not be used as such device. A certificate of such acknowledgment shall be appended to such instrument. In case of death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the Chairman of the State, county or city district committee shall fill such vacancy. Certificates and petitions of nomination of candidates for all offices to be filled by the electors of a county, or a division or district of the county, shall be filed with the County Court clerk: Provided, however, that a name put on the ballot by petition shall not be put under the device of a political party entitled to nominate by convention or primary election. Certificates and petitions of nomination of candidates for offices to be voted for by the electors of the State, other than members of the General Assembly, or of any division or district of the State exclusively, shall be filed with the Secretary of State. In the event two or more persons who have filed certificates of nomination with the said Secretary of State or county clerk shall claim to be the nominee of the same political party, the governing authority of said political party shall designate, in writing, to said Secretary of State and county clerk which of said candidates shall be entitled to the party emblem: Provided, however, if there be two or more contending executive committees of the same party in the county or district, then that county or district executive committee which is recognized by the State governing authority of such party, by the written certificate of the chairman thereof, shall be recognized by the county clerk and Secretary of State."

§ 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
O. Houston Brooks,
Frank J. Brown,
J. T. Bnford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Albert J. Counts,
S. F. Crabtree,
C. F. Crecelius,
H. C. Duffy,
L. H. Francis,
T. D. Graham,
F. E. Graves,
Samuel D. Hines,
John W. Holland,
R. Dillard Hunter,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
Geo. W. Reid,
G. T. Reynolds,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

Wm. S. Dean,
J. F. Richardson,
W. Logan Shearer,

Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 207. An act to re-enact Sections 3692, Kentucky Statutes, Carroll 1903, which same is Section 3692, Kentucky Statutes, Carroll 1909, relating to municipal corporations of the sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That Section 3692, Kentucky Statutes, Carroll 1903, now Section 3692, Kentucky Statutes, Carroll, 1909, be, and the same is hereby re-enacted.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	John W. Holland,	R. A. Read,
W. D. Allbright,	Hite Huffaker,	Geo. W. Reid,
O. Houston Brooks,	R. Dillard Hunter,	H. T. Rich,
Frank J. Brown,	O. M. Kelsey,	J. F. Richardson,

J. T. Bnford,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
W. H. Newell,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
J. T. Riherd,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

Mr. W. V. Perry of the Committee on Revenue and Taxation reported a bill entitled:

H. B. 278. An act to amend and re-enact Section 1 of Article 13 of an act entitled "An act relating to revenue and taxation," approved March 15, 1906, and being Section 4225, Kentucky Statutes.

With an amendment thereto.

Said bill was read the first time at length and ordered to be placed on the Calendar.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 89. An act providing for the taking of depositions upon interrogatories in Circuit Courts of counties having more than two hundred thousand population.

Together with the amendment heretofore proposed to said bill by way of substitute therefor by the Committee on Circuit Courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter when any interrogatories shall be filed in any Circuit cuit Court of a county having more than two hundred thousand population, addressed to witnesses residing in that county and therein to be taken, the deposition of the witnesses upon the interrogatories shall be taken only before the master commissioner or some deputy commissioner of the court in which they are filed, unless by special order in the case or agreement, it be otherwise ordered.

The substitute as offered by said committee is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter when any intergatories shall be filed in any Circuit Court of a county having more than two hundred thousand population addressed to witnesses residing in that county and therein to be taken the deposition of the witnesses upon interrogatories shall be taken only

before the Master Commissioner or some deputy commissioner of the court in which they are filed unless by order of the court in the case it be otherwise ordered.

Mr. Holland offered the following substitute for said bill:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter when any interrogatories shall be filed in any Circuit Court of a county having more than two hundred thousand population addressed to witnesses residing in that county and therein to be taken the deposition of the witnesses upon the interrogatories shall be taken only before the Master Commissioner or some deputy commissioner of the court in which they are filed unless by special order of the court in the case it be otherwise ordered. After the interrogatories have remained a due length of time in the clerk's office one or more commissioners at the request of the party shall be issued by the clerk with copies of the interrogatories and cross-interrogatories indexed authorizing the person to whom the commission is directed to examine witnesses on them and the commission may be directed generally to any officer authorized to take depositions in or out of this State.

Mr. Russell moved that said substitute amendment lie on the table.

Said motion was agreed to.

And so said bill and amendment were laid on the table.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 153. An act appropriating money to pay for the erection of buildings and other improvements upon the State Fair grounds and to purchase additional land for the use of the State Fair.

Together with an amendment thereto by way of substitute therefor heretofore proposed by the Committee on State Fair.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $22,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated, to complete the payment of indebtedness already incurred in the erection of buildings and improvements on the State Fair Grounds.

§ 2. That the sum of $16,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of purchasing 45 acres of land adjoining the State Fair grounds, now under option, to be used for buildings and other purposes in connection with said State Fair.

§ 3. That the sum of $60,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purpose of erecting a building to be known as the Agriculture building upon the State Fair grounds to be used for housing and exhibiting field seed, grain, tobacco, vegetables, melons, plants, flowers, and other horticultural and agricultural products.

§ 4. That the sum of $35,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a building to be known as the Woman's Building for the exhibition of works of art, education, and other similar purposes.

§ 5. That the sum of $40,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated for erecting two additional sections to the grandstand, each section not to cost exceeding $20,000.00.

§ 6. That the sum of $10,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a building for the exhibition of poultry.

§ 7. That the sum of $7,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated, $5,000.00 of which shall be used for the erection of a building to be used as a home for the Superintendent of the State Fair Grounds, and $2,000.00 for a building to be used as the home of the Custodian of the State Fair Grounds.

§ 8. That the sum of $10,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated for the erection of a building for executive offices.

§ 9. All of said buildings shall be erected upon the State Fair Grounds and the erection of same shall be under the supervision of the State Board of Agriculture, Forestry and Immigration.

§ 10. The Chairman of the State Board of Agriculture, Forestry and Immigration shall require bond of no less than $50,000.00 in favor of the Commonwealth, from said Board or its Treasurer, and shall file same with the Auditor and upon the filing of said bond, the Auditor shall draw his warrant upon the State Treasurer for each amount as the same may be required in favor of said State Board of Agriculture, Forestry and Immigration.

§ 11. One-half of the above amount shall be due and payable on the first day of April, 1910; one-fourth on the first day of April, 1911; and one-fourth on the first day of April, 1912.

§ 12. Whereas, the above buildings and improvements are badly needed upon the State Fair Grounds for the purpose of properly housing and caring for the annual State Fair, which is to be held in September of this year, and time is needed for erecting said buildings and making said improvements, an emergency is declared to exist, and this bill shall take effect immediately upon its passage.

The said substitute as proposed by said Committee is as follows, viz:

An act appropriating money to pay for the erection of buildings and other improvements upon the State Fair Grounds and to purchase additional land for the use of the State Fair.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $22,000.00 be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to complete the payment of indebtedness already incurred in the erection of buildings and improvements on the State Fair Grounds.

§ 2. That the sum of $16,000.00 be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purpose of purchasing 45 acres of land adjoining the State Fair Grounds, now under option, to be used for buildings and other purposes in connection with said State Fair.

§ 3. That the sum of $50,000.00 be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purpose of erecting a building to be known as the Agriculture Building upon the State Fair Grounds to be used for housing and exhibiting field seed, grain, tobacco, vegetables, melons, plants, flowers, and other horticultural and agricultural products.

§ 4. That the sum of $25,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a building to be known as the Woman's Building for the exhibition of works of art, education and other similar purposes.

§ 5. That the sum of $20,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated for erecting one additional section to the grandstand.

§ 6. That the sum of $10,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purpose of erecting a building for the exhibition of poultry.

§ 7. That the sum of $3,000.00 be and is hereby appropriated out of any money in the Treasury not otherwise appropriated for the erection of a building to be used as a home for the Superintendent of the State Fair Grounds.

§ 8. All of said buildings shall be erected upon the State Fair Grounds and the erection of same shall be under the supervision of the State Board of Agriculture, Forestry and Immigration.

§ 9. The Chairman of the State Board of Agriculture, Forestry and Immigration shall require bond of no less than $50,000.00 in favor of the Commonwealth, from said Board or its Treasurer, and shall file same with the Auditor and upon the filing of said bond, the Auditor shall draw his warrant upon the State Treasurer for each amount as the same may be required in favor of said State Board of Agriculture, Forestry and Immigration.

§ 10. One-half of the above amount shall be due and payable on the first day of April, 1910; one-fourth on the first day of April, 1911; and one-fourth on the first day of April, 1912.

§ 11. Whereas, the above buildings and improvements are badly needed upon the State Fair Grounds for the purpose of properly housing and caring for the annual State Fair, which is to be held in September of this year, and time is needed for erecting said buildings and making said improvements, an emergency is declared to exist, and this bill shall take effect immediately upon its passage.

Mr. Whitlow offered the following amendment to said substitute, viz:

Amend by striking out Sections 3, 4 and 6.

Also amend Section 9 by striking out "fifty thousand dollars" and inserting in lieu thereof "twenty-five thousand dollars."

Said amendments were agreed to.

Mr. Price offered the following amendment to said substitute, viz:

Amend by striking therefrom Sections 5, 7, 8 and 9.

Said amendment was disagreed to.

Mr. Carter offered the following amendment to said substitute, viz:

Amend by striking out Section 1.

Said amendment was disagreed to.

Said substitute as amended was then adopted.

Ordered that said bill as amended by the substitute be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	Robt. L. Harris,	H. J. Meyers,
Eli Berry,	L. B. Herrington,	W. H. Newell,
J. O. Bogie,	Samuel D. Hines,	L. C. Owings,
Frank J. Brown,	John W. Holland,	W. V. Perry,
J. T. Bnford,	Hite Huffaker,	W. A. Price,
J. P. Chinn,	R. Dillard Hunter,	G. T. Reynolds,
Sidney G. Clay,	W. G. Keen,	Samuel L. Robertson,
J. R. Claypool,	O. M. Kelsey,	H. A. Schoberth,
Z. A. Clore,	Wm. F. Klair,	W. H. Shanks,

Z. T. Coleman,	John M. Letterle,	John S. Steers,
C. F. Crecelius,	L. C. Littrell,	Geo. C. Waggoner,
H. C. Duffy,	Hugh Mahin,	Edward A. Weber,
L. H. Francis,	Don G. McVean,	J. H. Williams,

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Those who voted in the negative were—

R. H. Akin,	Robt. C. Hill,	Geo. W. Reid,
W. D. Allbright,	J. H. Lackey,	H. T. Rich,
T. M. Bertram,	H. L. Lewis,	J. F. Richardson,
O. Houston Brooks,	J. H. McWaters,	J. T. Riherd,
W. C. Caudill,	Ben E. Niles,	Farris Roberts, Jr.,
Henry Chunn,	S. P. Parks,	S. C. Roberts,
M. G. Colson,	C. C. Patrick,	S. M. Russell,
Albert J. Counts,	J. W. Perry,	W. H. Shanks,
S. F. Crabtree,	John C. Pirtle,	W. Logan Shearer,
W. L. Craig,	W. F. Pitman,	J. J. Taylor,
Wm. S. Dean,	G. H. Plitt,	J. W. Turner,
Chas. W. Fulton,	A. H. Points,	W. F. Welch,
T. D. Graham,	J. F. Porter,	J. H. Williams,
F. E. Graves,	R. A. Read,	J. R. Zimmerman,

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Said bill failing to receive the requisite number of affirmative votes as required by the Constitution was disagreed to.

And then the House adjourned until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

At 3 o'clock p. m. the House met pursuant to adjournment.

Mr. Schoberth moved that the session of this afternoon be extended indefinitely.

Said motion was agreed to.

Mr. Schoberth moved that when the House adjourn this afternoon it be until 7:30 to-night for the purpose of hearing reports of committees and reading and comparing enrolled bills.

Said motion was agreed to.

Mr. Russell moved to reconsider the vote by which the House on this day failed to pass a bill entitled,

H. B. 153. An act appropriating money to pay for the erection of buildings and other improvements upon the State Fair Grounds and to purchase additional land for the use of the State Fair.

Mr. Shearer moved that said motion lie on the table.

Said last named motion was disagreed to.

The yeas and nays being required thereon by Messrs. Shanks and Shearer were as follows, viz:

Those who voted in the affirmative were—

T. M. Bertram,	C. C. Patrick,	Farris Roberts, Jr.,
Albert J. Counts,	J. W. Perry,	H. T. Rich,
W. L. Craig,	W. F. Pitman,	W. Logan Shearer,
Wm. S. Dean,	G. H. Plitt,	J. J. Taylor,
T. D. Graham,	J. F. Porter,	E. E. Trivette,
H. L. Lewis,	R. A. Read,	J. W. Turner,
S. P. Parks,		—19

Those who voted in the negative were—

R. H. Akin,	Robt. C. Hill,	L. R. Ray,
J. W. Berkshire,	Samuel D. Hines,	Geo. W. Reid,
J. O. Bogie,	John W. Holland,	G. T. Reynolds,
Frank J. Brown,	Hite Huffaker,	J. F. Richardson,
J. T. Buford,	R. Dillard Hunter,	S. C. Roberts,
S. M. Carson,	O. M. Kelsey,	Samuel L. Robertson,
L. H. Carter,	Wm. F. Klair,	S. M. Russell,

J. P. Chinn,	J. H. Lackey,	H. A. Schoberth,
Sidney G. Clay,	John M. Letterle,	S. A. Shanklin,
J. R. Claypool,	L. C. Littrell,	W. H. Shanks,
Z. A. Clore,	Hugh Mahin,	W. H. Southall, Jr.,
Z. T. Coleman,	Don G. McVean,	John S. Steers,
Peter J. Cosgrove,	Frank S. Moore,	Geo. C. Waggoner,
H. C. Duffy,	H. J. Meyers,	Edward A. Weber,
L. H. Francis,	V. H. Newell,	W. F. Welch,
G. G. Frazier,	L. C. Owings,	W. R. Whitlow,
F. E. Graves,	W. V. Perry,	L. F. Withers,
Robt. L. Harris,	A. H. Points,	J. R. Zimmerman,
L. B. Herrington,	W. A. Price,	—57

The motion as made by Mr. Russell was agreed to.

Mr. Russell moved to reconsider the vote by which said bill was ordered to a third reading.

Said motion was agreed to.

Mr. Russell moved to reconsider the vote by which the substitute for said bill was adopted.

Said motion was agreed to.

Mr. Russell moved to reconsider the vote by which the amendment offered by Mr. Price to the substitute was disagreed to.

Said motion was agreed to.

By unanimous consent Mr. Price withdrew his amendment.

Mr. Russell offered the following amendment to said substitute, viz:

Amend by striking out Sections 5, 7, 8 and 9 and by striking from Section 10, line two the word "one-fourth" and substituting therefor the word "one-half", and by striking from said section and line the word "April" and inserting in lieu thereof the word "March" and

striking from line three of said Section 10 the words "and one-fourth on the first day of April, 1912" and by striking out Section 11 and inserting in lieu thereof the following:

"Whereas the above named twenty-two thousand dollars is now due, and the said above named option must be exercised before March the first, 1911, an emergency is declared to exist and this bill shall take effect immediately upon its passage.

Said amendment was agreed to.

Said substitute as amended was adopted.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	G. G. Frazier,	W. V. Perry,
J. W. Berkshire,	T. D. Graham,	A. H. Points,
Eli Berry,	F. E. Graves,	W. Price,
J. O. Bogie,	Robt. L. Harris,	Geo. W. Reid,
O. Houston Brooks,	L. B. Herrington,	G. T. Reynolds,
Frank J. Brown,	Samuel D. Hines,	J. F. Richardson,
J. T. Buford,	John W. Holland,	J. T. Riherd,
S. M. Carson,	Hite Huffaker,	S. C. Roberts,
L. H. Carter,	R. Dillard Hunter,	Sam'l L. Robertson,
J. P. Chinn,	Wm. F. Klair,	S. M. Russell,
Sidney G. Clay,	John M. Letterle,	H. A. Schoberth,
J. R. Claypool,	L. C. Littrell,	S. A. Shanklin,
Z. A. Clore,	Hugh Mahin,	W. H. Southall, Jr.,
Z. T. Coleman,	Don G. McVean,	John S. Steers,

Peter J. Cosgrove,	Frank S. Moore,	Geo. C. Waggoner,
C. F. Crecelius,	H. J. Meyers,	Edward A. Weber,
H. C. Duffy,	W. H. Newell,	W. F. Welch,
L. H. Francies,	L. C. Owings,	W. R. Whitlow,

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Those who voted in the negative were—

T. M. Bertram,	S. P. Parks,	H. T. Rich,
M. G. Colson,	C. C. Patrick,	Farris Roberts, Jr.,
Albert J. Counts,	J. W. Perry,	W. Logan Shearer,
W. L. Craig,	John C. Pirtle,	J. J. Taylor,
Wm. S. Dean,	G. H. Plitt,	E. E. Trivette,
Chas. W. Fulton,	J. F. Porter,	J. R. Zimmerman,
H. L. Lewis,	R. A. Read,	

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Resolved that the title thereof be as aforesaid.

Mr. Letterle stated to the House that on account of ill health and physical conditions on account thereof he was unable to properly discharge the duties of Chairman of the Committee on Enrollments and asked that he be excused therefrom, and also that some one be appointed in his place and stead.

Mr. Klair moved that the request of Mr. Letterle be granted and that the Speaker be requested to fill the vacancy.

Said motion was agreed to.

Thereupon the Speaker named Mr. M. F. Pogue as Chairman of the Committee on Enrollments in the place and stead of Mr. Letterle.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 99. An act creating the office of district detective to the Commonwealth's Attorney in all counties of this Commonwealth having cities of the Second Class.

Together with the substitute amendment proposed thereto by the Committee on Municipalities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in all counties in this Commonwealth having a city of the Second Class located therein there is hereby created the office of District Detective to the Commonwealth Attorney; that in all counties in this Commonwealth having a population of seventy-five thousand and less than one hundred and fifty thousand, the said District Detective shall be appointed by the Commonwealth Attorney, for a term of four years, but may be removed at any time by the said Commonwealth Attorney; that in all counties of this Commonwealth having cities of the Second Class but having a population of less than seventy-five thousand, the said District Detective shall be appointed by the Fiscal Court and if no Fiscal Court, then by a majority of the County Commissioners; said appointment shall be for a term of four years, but may be removed at any time by the Fiscal Court or County Commissioners in counties having a population of less than seventy-five thousand and containing cities of the Second Class.

It shall be the duty of the said District Detective to assist the Commonwealth Attorney in the preparation of all criminal cases pending in the Circuit Court of said county by investigating the evidence and facts connected with such cases and he shall aid the Commonwealth Attorney in all matters pertaining to his office and in such manner as he may from time to time designate.

Said District Detective shall have the same powers of arrest and same right to execute process as is now given by law to the Sheriff of this Commonwealth.

The salary of each of said detectives shall be Twelve Hundred Dollars per annum, payable out of the county levy in equal monthly installments.

That the necessary expenses incurred by the Commonwealth Attorney of the district including such counties, not to exceed Five Hundred Dollars annually shall be paid out of the county levy on requisition for such expense by the Commonwealth Attorney on the Fiscal Court of said county, or in the absence of the Fiscal Court, on the County Commissioners of said counties.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in all counties in this Commonwealth having a city of the Second Class located therein, and in which the county composes a judicial district of itself, thereby created the office of District Detective to the Commonwealth Attorney. That in every county in this Commonwealth constituting a separate judicial district, having two judges therein, the said district detective shall be appointed by the Commonwealth Attorney, for a term of four years, but may be removed at any time by said Commonwealth Attorney; that in every county in this Commonwealth constituting a separate judicial district, having one judge therein, the said district detective shall be appointed by the county clerk.

Said appointment shall be for a term of four years, but said district detective may be removed at any time by said county clerk.

It shall be the duty of said district detective to assist the Commonwealth Attorney in the preparation of all criminal cases pending in the Circuit Court of said county by investigating the evidence and facts connected with such cases and he shall aid the Commonwealth Attorney in all matters pertaining to his office and in such manner as he may from time to time designate.

Said district detective shall have the same powers of arrest and same right to execute process as is now given by law to the sheriff of this Commonwealth.

The salary of each of said detectives shall be twelve hundred dollars per annum, payable out of the county levy in equal monthly installments.

That the necessary expenses incurred by the Commonwealth Attorney of the district including such counties, not to exceed five hundred dollars annually, shall be paid out of the county levy on requisition for such expense by the Commonwealth Attorney on the Fiscal Court of said county, or in the absence of the Fiscal Court, on the county commissioners of said counties.

Mr. Price offered the following amendment to said substitute, viz.:

Amend by striking therefrom beginning in line three, the following: That in all counties in this Commonwealth having a population of seventy-five thousand and less than one hundred and fifty thousand, the said District Detective shall be appointed by the Commonwealth Attorney, for a term of four years, but may be removed at any time by the said Commonwealth Attorney.

Said amendment was disagreed to.

Mr. Price offered the following amendment to said substitute, viz:

Amend by striking therefrom beginning in line seven the following: "But may be removed at any time by the said Commonwealth Attorney."

Said amendment was disagreed to.

Mr. Graves offered the following amendment to said substitute, viz:

Amend by inserting after the word "therein" and before the word "there" in line two the following, viz:

"And in which the county composes a judicial district of itself."

Said amendment was agreed to.

Said substitute as amended was adopted.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	R. Dillard Hunter,	W. F. Pitman,
J. W. Berkshire,	S. B. Johnson,	G. H. Plitt,
P. W. Berkshire,	W. G. Keen,	Marion F. Pogue,
Eli Berry,	O. M. Kelsey,	J. F. Porter,
Frank J. Brown,	Wm. F. Klair,	L. R. Ray,
J. T. Buford,	J. H. Lackey,	Geo. W. Reid,
S. M. Carson,	John M. Letterle,	G. T. Reynolds,
W. G. Caudill,	L. C. Littrell,	J. F. Richardson,
J. P. Chinn,	Hugh Mahin,	J. T. Riherd,
J. R. Claypool,	J. H. McWaters,	S. C. Roberts,
M. G. Colson,	Don G. McVean,	S. M. Russell,
Peter J. Cosgrove,	Frank S. Moore,	H. A. Schoberth,
L. H. Francis,	H. J. Meyers,	W. H. Shanks,
G. G. Frazier,	W. H. Newell,	W. H. Southall, Jr.,

T. D. Graham,	L. C. Owings,	John S. Steers,
F. E. Graves,	J. W. Perry,	W. R. Whitlow,
L. B. Herrington,	W. V. Perry,	L. F. Withers,
John W. Holland,	John C. Pirtle,	J. R. Zimmerman,

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Those who voted in the negative were—

S. F. Crabtree,	A. H. Points,	Farris Roberts, Jr.,
C. C. Patrick,	W. Price,	W. Logan Shearer,

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Resolved that the title thereof be as follows, viz:

An act creating the office of District Detective to the Commonwealth's Attorney and County Clerk in all counties having cities of the Second Class.

A message was received from the Senate announcing that they had adopted resolutions and passed bills of the following titles, viz:

S. Res. 14. Resolution extending the thanks of the General Assembly and the people of Kentucky to Hon. Wm. O. Bradley for his able and eloquent defense of the State of Kentucky and its citizenship against the attacks made upon them by certain newspapers.

S. Res. 18. Resolution providing for the payment of certain contingent expenses of this General Assembly of the Commonwealth of Kentucky, and providing a mode of payment thereof, and ratifying and approving the action of the Sergeant-at-Arms of the House of Representatives and Sergeant-at-Arms of the Senate in employing certain employes in said House and Senate, by which said contingent expenses were incurred.

S. B. 190. An act to limit the liability of members of mutual or assessment fire insurance companies.

S. B. 206. An act to further regulate turnpike and gravel roads.

S. B. 329. An act to amend Subsection 3 of Section 217a, Article 1, Chapter 16, entitled "Charitable Institutions."

S. B. 253. An act to amend Subsection 1, of Section 3704, Chapter 89 of the Kentucky Statutes, compiled by Hon. John D. Carroll as same appears in edition of 1909.

S. B. 193. An act to provide a life saving apparatus for the Chief State Inspector of Mines and assistant inspector.

S. B. 307. An act to amend an act entitled "An act to establish a public school in Morganfield, Kentucky," approved April 19, 1886.

S. B. 211. An act to legalize slave marriages and to issue the same in this State.

S. B. 48. An act to amend Section 13, Chapter 221, Acts of 1891, 1892 and 1893 entitled "An act relating to courts of justice," approved June 10, 1893.

S. B. 241. An act defining motor vehicles providing for registration of the same and uniform rules regulating the use and speed thereof.

Ordered that said bills and resolutions, except S. Res. 18, be printed and referred to the Committee on Rules.

By unanimous consent the rules were suspended and the House took up for consideration,

S. Res. 18.

Said resolution is as follows, viz:

Joint resolution providing for the payment of certain contingent expenses of this General Assembly of the Commonwealth of Kentucky, and providing the mode of payment thereof and ratifying and approving the action of the Sergeant-at-Arms of the House of Representatives

and the Sergeant-at-Arms of the Senate in employing certain employes in said House and Senate, by which said contingent expenses were incurred.

Whereas, at the beginning of the present General Assembly of the Commonwealth of Kentucky, it was discovered that owing to the situation of the new Capitol building and the arrangement thereof, and the construction of the Senate chamber and the House of Representatives, the business of the General Assembly could not be expeditiously and efficiently conducted by and with the assistance alone of the number of officers and employes provided for in Section 249 of the Constitution and Section 1988, Kentucky Statutes, and

Whereas, the Sergeant-at-Arms of the House of Representatives was directed and authorized by resolution of said House to employ such additional employes as were required to properly and expeditiously attend to the business of the House, to wait on the members thereof while engaged upon the State's business; to care for and protect the property of the State used by the members, to look after the various committee rooms, care for the property of the members, and the cloak room, and to keep the chamber in a cleanly and comfortable condition; and,

Whereas, the said Sergeant-at-Arms of the House of Representatives did employ the following employes for the purposes aforesaid, under the authority vested in him by said resolution, viz: Four assistant door-keepers, at $5.00 per day each; one stenographer to the chief clerk, at $5.00 per day; one stenographer of the House at $5.00 per day, one bill clerk, at $4.00 per day; two mail clerks, at $3.00 per day each; five messengers, at $2.50 per day each; one porter, at $2.00 per day, and one copyist, at $4.00 per day; and,

Whereas, the Sergeant-at-Arms of the Senate was authorized by resolution to employ such additional assistants or employes as were required to properly and expeditiously attend to the business of the Senate, wait on the members thereof while engaged upon the State's

business, to care for and protect the property of the State used by the members of the Senate, to look after the various committee rooms, cloak rooms, etc., connected therewith; and,

Whereas, the Sergeant-at-Arms of the Senate did employ the following help and employes for the purposes aforesaid, under the authority vested in him as aforesaid, viz: One reader, at $5.00 per day; one mail clerk, at $5.00 per day; two copyists, at $4.00 per day each; two special messengers, at $2.50 per day each; two door keepers, at $5.00 per day each; two stenographers at $5.00 per day each; one bill clerk, at $5.00 per day; one page for President of the Senate, at $2.50 per day, and one clerk of Committee on Rules, at $5.00 per day.

Whereas, under Section 1992, Kentucky Statutes, it is provided that: "No other employes shall be elected, appointed or paid for without the joint action of the two Houses," other than those mentioned in the Constitution, and no such joint action having been heretofore had, authorizing the employment of the additional help, as aforesaid, and it being the opinion of this General Assembly that it was necessary and proper for the Sergeant-at-Arms of the House and of the Senate to employ all of the help hereinbefore mentioned, and that the same was a necessary and unavoidable contingent expense of said House and Senate.

Therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the action of the Sergeant-at-Arms of the House of Representatives and the action of the Sergeant-at-Arms of the Senate, in contracting for and employing the number and character of employes and help set forth in the preamble hereto, be, and the same is hereby approved and ratified, and all of said expense so incurred in the employment of said employes is hereby declared to be contingent and necessary expenses in the transaction of the business and conduct of the proceedings of this General Assembly, and the Chief Clerk of the House and the Chief Clerk of the Senate are hereby authorized and

directed to certify to the Auditor of Public Accounts the correctness of all claims against the Treasury incurred by the Sergeant-at-Arms of either of said Houses, as contemplated herein.

§ 2. The Sergeant-at-Arms of the House and the Sergeant-at-Arms of the Senate shall furnish to the Chief Clerk of their respective Houses a list of all of said employes, showing the number of days worked by each and the amount due each of said employes, and upon this certification the Clerk of each of said Houses shall draw a voucher to each of said employes upon the Auditor of Public Accounts for the amount due each of said employes, and for which amount the Auditor shall draw his warrant upon the Treasury, payable to said employes, respectively, and to be paid out of any money in the Treasury to the credit of the general expenditure fund, not otherwise appropriated.

§ 3. It appearing that the employes referred to herein have rendered valuable services to the Commonwealth for which they have not been paid, and that all of whom are in need of their money to pay their expenses while so employed, an emergency is hereby declared to exist, and this resolution shall take effect upon its adoption.

Said resolution was read at length and concurred in.

The yeas and nays being taken on concurring in said resolution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	G. H. Plitt,
W. D. Allbright,	T. D. Graham,	A. H. Points,
J. W. Berkshire,	F. E. Graves,	J. F. Porter,
P. W. Berkshire,	Robt. C. Hill,	L. R. Ray,
Eli Berry,	Samuel D. Hines,	Geo. W. Reid,
J. O. Bogie,	John W. Holland,	G. T. Reynolds,
O. Houston Brooks,	R. Dillard Hunter,	H. T. Rich,
Frank J. Brown,	S. B. Johnson,	J. F. Richardson,
S. M. Carson,	O. M. Kelsey,	J. T. Riherd,

L. H. Carter,	Wm. F. Klair,	S. C. Roberts,
J. P. Chinn,	J. H. Lackey,	S. M. Russell,
Henry Chunn,	John M. Letterle,	H. A. Schoberth,
Sidney G. Clay,	L. C. Littrell,	S. A. Shanklin,
J. R. Claypool,	Hugh Mahin,	W. H. Shanks,
Z. A. Clore,	J. H. McWaters,	W. H. Southall, Jr.,
Z. T. Coleman,	Don G. McVean,	John S. Steers,
M. G. Colson,	Frank S. Moore,	J. W. Turner,
Albert J. Counts,	H. J. Meyers,	Geo. C. Waggoner,
Peter J. Cosgrove,	Ben E. Niles,	W. R. Whitlow,
S. F. Crabtree,	W. H. Newell,	J. H. Williams,
C. F. Crecelius,	L. C. Owings,	L. F. Withers,
W. B. Creekmore,	W. V. Perry,	J. R. Zimmerman,
Chas. W. Fulton,	W. F. Pitman,	—68

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 122. An act for the benefit of the Kentucky Normal and Industrial Institute for colored persons.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the general revenue of the State for the benefit of the Kentucky Normal and Industrial Institute for Colored Persons at Frankfort, Kentucky, the following named sums for the specific purposes named and set out herein, as follows:

§ 1. For the purpose of heating the administration building and purchasing appropriate apparatus for same, the sum of Four Thousand Dollars ($4,000.00) is hereby appropriated.

§ 2. For the purpose of seating the auditorium in the administration building, the sum of Sixteen Hundred Dollars ($1,600.00) is hereby appropriated.

§ 3. For the purpose of furnishing the President's offices, the sum of Two Hundred Dollars ($200.00) is hereby appropriated.

§ 4. For the purpose of furnishing and equipping the sewing department, the sum of One Hundred Dollars ($100.00) is hereby appropriated.

§ 5. For the purpose of furnishing and equipping the cooking department, the sum of One Hundred and Fifty Dollars ($150.00) is hereby appropriated.

§ 6. For the purpose of furnishing and equipping one room for the model school, the sum of Fifty Dollars ($50.00) is hereby appropriated.

§ 7. For the purpose of building and furnishing a residence for the President, the sum of Twelve Hundred Dollars ($1,200.00) is hereby appropriated.

§ 8. For the purpose of putting down cement sidewalks on the grounds, the sum of One Thousand Dollars ($1,000.00) is hereby appropriated.

§ 9. For the purpose of equipping the printing department the sum of Two Hundred Dollars ($200.00) is hereby appropriated.

§ 10. For the purpose of equipping the mechanical department, the sum of Two Hundred Dollars ($200.00) is hereby appropriated.

§ 11. For the purpose of equipping the agricultural department, the sum of Two Hundred Dollars ($200.00) is hereby appropriated.

§ 12. For the purpose of equipping the library, the sum of One Hundred Dollars ($100.00) is hereby appropriated.

§ 13. Whereas, there are now valuable buildings, equipment and other property without any maintenance fund for the care, growth and development of the institution, the sum of Three Thousand Dollars ($3,000.00) is hereby annually appropriated for this purpose.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
C. F. Crecelius,
G. G. Frazier,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Robt. C. Hill,
Samuel D. Hines,
John W. Holland,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
Don G. McVean,
Ben E. Niles,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
W. A. Price,
R. A. Read,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
Farris Roberts, Jr.,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,

W. B. Creekmore,	W. H. Newell,	W. F. Welch,
H. C. Duffy,	L. C. Owings,	W. R. Whitlow,
L. H. Francis,	S. P. Parks,	J. H. Williams,

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Those who voted in the negative were—

W. G. Caudill,	J. H. McWaters,	Geo. W. Reid,
S. F. Crabtree,	J. W. Perry,	S. C. Roberts,
W. L. Craig,	John C. Pirtle,	J. R. Zimmerman,
Chas. W. Fulton,		

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Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 525. An act to repeal an act entitled "An act to amend and re-enact Section 3140, Kentucky Statutes," approved March 22, 1906, and to amend and re-enact Section 3140 of the Kentucky Statutes compiled by John D. Carroll and to amend and re-enact Section 3138 of the Kentucky Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act to amend and re-enact Section 3140, Kentucky Statutes," approved by the Governor March 22, 1906, be, and the same is hereby repealed, and the following, being Section

3140 of the Kentucky Statutes, compiled by John D. Carroll, is re-enacted as follows:

§ 3140. The number of firemen, or policemen, detectives, and officers of either department, may be such as the General Council may, from time to time, ordain, and may be increased or diminished upon petition of the Commissioners in that behalf; and said General Council shall by ordinance provide for the payment of salaries of the firemen and policemen, detectives and officers of either of the said departments, and other expenses thereof.

§ 2. That Section 3138 of the Kentucky Statutes, compiled by John D. Carroll be, and the same is hereby amended and re-enacted by striking therefrom the following words, "And may remove them with or without cause," so that said section when so amended and re-enacted shall read as follows, to-wit:

§ 3138. The said Commissioners shall have full control over the police and fire department of the city together with all the property and paraphernalia thereof, or belonging thereto, and may make or ordain and put into execution such by-laws, rules and regulations for the government of said departments as may be deemed expedient, and may prescribe the qualifications of the firemen and officers and members of the police and fire departments respectively. They shall appoint a chief of police, and all policemen, a chief of detectives, and all detectives, and a chief of the fire department and all subordinates, and shall fix the salaries of the chiefs of all departments and prescribe their duties and they may grade the officers of said departments and prescribe their several duties.

§ 3138a. The Board of Commissioners is authorized and empowered to adopt and enforce rules, orders and regulations not in conflict with this act, for the government, discipline and administration of the police and detective departments, and of the officers and members thereof. The said Board shall require all applicants for appointment as members of said police or detective force, to stand an examination

as to his qualifications to fill the office of policeman or detective and to his knowledge of the English language, and as to the law and rules governing the duties of policemen or detectives and each member and officer of the police or detective force shall be a qualified voter of the city in which he is appointed and able to read and write the English language, understanding it, and otherwise comply with such qualifications as may be prescribed. No person shall be appointed a member or officer of the police or detective force unless he is well known to be a man of sobriety and integrity and has been and is an orderly law-abiding citizen, nor shall any person be appointed a member or officer of said force on account of any political sentiment or affiliations, nor shall any officer or member of said force be removed or discharged or reduced in grade, or in pay, for any political partisan opinion. That appointments and continuance upon the police or detective force shall depend solely upon their ability and willingness to enforce the law, and comply with the rules of the police department. The examination and qualification provided in this act shall not apply to the members of the police or detective force at the time of the passage of this act. All members of the police or detective force at the time this law takes effect, and after the General Council has fixed by ordinance pursuant to this act the number of policemen or detectives, and all members thereof, who may hereafter be appointed, shall hold said position during good behavior.

§ 3138b. No member or officer of the police or detective force shall be removed from the force, reduced in grade or pay, upon any reason, except inefficiency, misconduct, insubordination or violations of law, or rules adopted by the Commissioners. Any person may present charges against an officer or member of the police or detective force, which must be filed in the office of the mayor, who shall thereupon communicate said charges without delay to the other members of the said Board. Said charges must be written, signed by the persons making said charges, and must set out with clearness and distinctness each and every charge. It shall be the duty of the mayor, whenever probable cause appears to prefer charges against any member or officer

of the police or detective force, whom he believes to have been guilty of any conduct justifying his removal, or punishment, in the interest of the public order. The charges filed by the mayor shall be written and shall set out with distinctness and clearness the charges made, and upon the hearing of any charge, as hereinafter provided, all said charges shall be considered as traversed, and put in issue, and the trial shall be confined to these issues so presented. All charges against members or officers of the police or detective force shall be forthwith filed by the mayor with the clerk of the said Board, and within three days after said filing, the Commissioners shall proceed to hear and examine said charges, provided two days before said hearing, the officer or member of the police or detective force accused has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused may, however, in writing waive the services of said charges, and demand trial within three days after said charges are filed with the clerk of said Board. The Board of Police and Fire Commissioners shall have the power to summons and compel the attendance of witnesses at all sittings, or hearings, by said Board upon subpoena, issued by the clerk of said Board and served upon said witness by an officer authorized to serve subpoenas from any court of justice in the county, and said Board shall have all powers of a justice of the peace, to punish for contempt. The officer or member of the police or detective force accused, shall have the right to have subpoened in his behalf, any witness he may desire, upon furnishing their names to the clerk of said Board, and shall further have the right to appear in person and by council at the heraing of said Board, the finding of said Board shall be reduced to writing as a judgment, and shall be entered in a book to be kept for that purpose, and the written charges filed in the matter shall also be recorded in full in said book immediately preceding the record of finding of said Board. In cases where the mayor has probable cause to believe that the officer or member of the police or detective force may be guilty of any conduct justifying removal or punishment he may suspend said officer or member from duty, or from both pay and duty, pending said trial, and said officer or member shall not be placed on duty, or allowed pay thereafter,

until the charges are heard by the Police or Fire Commissioners. The Board shall fix the punishment against an officer or member of the police or detective force, found guilty of any charge under this statute, at a reprimand or at a fine not to exceed $100.00 or suspension at any length of time in their judgment not to exceed six months or by reducing the grade, if the accused be an officer, or by combining any two or more of said punishments, or removal or dismissal from the service of either officer or member of the force. No officer or member of the police or detective force, except as provided in this act, shall be fined, reprimanded, removed, suspended or dismissed from the police or detective force until written charges have been made or preferred against him, and trial had as herein provided.

§ 3138c. Any officer or member of the police or detective force who shall be found guilty by the Board of any charges, as herein above provided, shall have the right to appeal to the Circuit Court of the county in which said city may be located, provided the punishment be a fine of $20.00 or more, or a suspension of more than ten days, or reducing the grade of an officer, or a removal or dismissal from the police force, and the enforcement of the judgment of said Board under said charges shall be suspended pending said appeal, provided the accused executes a supersedeas bond, in which he shall undertake to repay the city all cost of said appeal and all salary he may receive from the time of said judgment and pending said appeal. Upon the request of the party accused, the clerk of the Board shall file a certified copy of the charges made, and of the judgment or finding of the Board in the Circuit Court, which transcript having been filed, the cause shall be docketed in the Circuit Court and tried *de novo* by the judge of the said court, but upon the demand of the accused, or of the city, said cause shall be tried before a jury. Should the clerk of the Board fail to certify and transmit the aforesaid to the Circuit Court within five days after the request is made for same, then the party aggrieved may file an affidavit in the said Circuit Court, setting out as fully as possible, the charges made, the time of the trial by said court, and the judgment of said Board, together with the statements of the fact that demand

for transcript had been made upon the clerk of said Board more than five days before the filing of said affidavit. Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said court, and the Circuit Court is hereby authorized to compel the filing of said transcript by said clerk, by entering the proper mandatory orders, and by fine and imprisonment, as in other cases of contempt. An appeal will lie from the judgment of the Circuit Court to the Court of Appeals, as in other cases, provided the punishment fixed by the Board be suspended for more than sixty days, reducing the grade of an officer, removal or dismissal from the force.

§ 3138d. All acts and parts of acts in conflict with this act in so far as same conflict herewith, are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	W. B. Creekmore,	J. W. Perry,
J. W. Berkshire,	H. C. Duffy,	John C. Pirtle,
P. W. Berkshire,	Chas. W. Fulton,	G. H. Plitt,
Eli Berry,	F. E. Graves,	Marion F. Pogue,
J. O. Bogie,	L. B. Herrington,	J. F. Porter,
Frank J. Brown,	Samuel D. Hines,	L. R. Ray,
J. T. Buford,	John W. Holland,	Geo. W. Reid,
L. H. Carter,	R. Dillard Hunter,	G. T. Reynolds,
W. G. Caudill,	S. B. Johnson,	J. F. Richardson,
Henry Chunn,	O. M. Kelsey,	J. T. Riherd,
Sidney G. Clay,	Wm. F. Klair,	S. C. Roberts,
J. R. Claypool.	J. H. Lackey,	H. A. Schoberth,

Z. A. Clore,	H. L. Lewis,	W. Logan Shearer,
Z. T. Coleman,	L. C. Littrell,	W. H. Southall, Jr.,
M. G. Colson,	Hugh Mahin,	John S. Steers,
Peter J. Cosgrove,	J. H. McWaters,	W. R. Whitlow,
S. F. Crabtree,	H. J. Meyers,	J. H. Williams,
W. L. Craig,	W. H. Newell,	L. F. Withers,
C. F. Crecelius,	L. C. Owings,	J. R. Zimmerman,

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Those who voted in the negative were—

S. P. Parks,	W. A. Price,	Edward A. Weber,
C. C. Patrick,	R. A. Read,	

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Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 502. An act to amend Section 281 of the Code of Practice in criminal cases.

Said bill is as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 281 of the Code of Practice in Criminal Cases be amended by striking therefrom the words, "and upon motions for a

new trial," and by inserting the word, "or" after the word "cause;" so that the section as amended shall read as follows:

"The decisions of the court upon challanges to the panel and for cause, or upon motions to set aside an indictment, shall not be subject to exception."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
Eli Berry,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
T. D. Graham,
F. E. Graves,
L. B. Herrington,
Robt. C. Hill,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
G. H. Plitt,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
W. F. Welch,
W. R. Whitlow,
L. F. Withers,
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Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 342. An act to amend an act entitled "An act for the erection and maintenance of the Confederate Home," approved March 22, 1902, and amended March 21, 1906.

Together with the amendments heretofore proposed thereto by the Committee on Confederate Home.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas, there has been great difficulty in securing a supply of water for the Kentucky Confederate Home at Pewee Valley,

And whereas, a portion of the walls of the present reservoir caved in, and the method of obtaining water from surface drainage has been found impractical, therefore be it enacted:

§ 1. There is hereby appropriated out of the Treasury for the purpose of repairing the reservoir walls of the present reservoir, the sum of Three Thousand ($3,000.00) Dollars.

§ 2. For the purpose of laying pipes to Floyd's Fork, and establishing a pumping station, and securing the necessary ground on which so erect the same, Five Thousand Five Hundred ($5,500.00) Dollars.

§ 3. For the purpose of erecting cottages on the ground, the property of the State close to the Confederate Home, in which inmates who are married may live with their wives, the sum of Five Thousand ($5,000.00) Dollars.

All the work herein shall be advertised and let to the lowest and best bidder. But the Board of Trustees of the Confederate Home may reject any and all bids. As the work progresses the money shall be paid out of any funds belonging to the State by order of the President drawn upon the Auditor, together with the certificate of the architect stating that the amount of work named in the order has been done; and when such orders are drawn, and the same shall be presented to the Auditor, he shall issue a warrant therefor, and the same shall be paid by the Treasurer.

§ 4. Whereas, the present heating systems for the two buildings are unsatisfactory, and a large amount of coal is thereby wasted, and by the operation of one plant great economy could be secured in the heating arrangements, there is hereby appropriated out of any moneys in the Treasury the sum of Three Thousand ($3,000.00) Dollars, for the purpose of constructing a single boiler system for the heating of the main building and the infirmary of said Confederate Home.

§ 5. Repairs upon the buildings on the ground of the Confederate Home at Pewee Valley shall be made under order of the Board of Trustees, and when so made and certified to by the President of the Board, the Auditor shall draw a warrant on the Treasurer for such repairs. and the same shall be paid by the Treasurer.

§ 6. For the purpose of providing discipline in the Home itself, the Trustees are hereby authorized and empowered to organize the inmates of the Home into one or more companies, same to be officered by the Commandant and such inmates of the Home as may be appointed by the Board of Trustees; and said Board of Trustees are authorized to provide by rules and regulations, under military discipline for the control, regulation and management of the inmates of said institution; and

all questions affecting discipline may be remitted to courts martial called by the Board of Trustees, the members of such courts martial to consist at all times of officers of the companies organized under this section.

The amendments proposed thereto by said committee are as follows, viz:

Amend by striking out the first part of Section 3.

Strike out "highest" and insert "lowest."

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	Marion F. Pogue,
J. W. Berkshire,	F. E. Graves,	J. F. Porter,
P. W. Berkshire,	Robt. L. Harris,	W. A. Price,
Eli Berry,	L. B. Herrington,	L. R. Ray,
J. O. Bogie,	Robt. C. Hill,	Geo. W. Reid,
O. Houston Brooks,	Samuel D. Hines,	G. T. Reynolds,
Frank J. Brown,	John W. Holland,	J. F. Richardson,
J. T. Buford,	R. Dillard Hunter,	J. T. Riherd,
L. H. Carter,	W. G. Keen,	S. C. Roberts,
J. P. Chinn.	O. M. Kelsey,	S. M. Russell,
Sidney G. Clay,	Wm. F. Klair,	H. A. Schoberth,
J. R. Claypool,	J. H. Lackey,	S. A. Shanklin,

Z. A. Clore,	H. L. Lewis,	W. H. Shanks,
Z. T. Coleman,	L. C. Littrell,	W. H. Southall, Jr.,
M. G. Colson,	Hugh Mahin,	John S. Steers,
Peter J. Cosgrove,	J. H. McWaters,	Geo. C. Waggoner,
W. L. Craig,	L. C. Owings,	W. R. Whitlow,
C. F. Crecelius,	J. W. Perry,	J. H. Williams,
H. C. Duffy,	W. V. Perry,	L. F. Withers,
G. G. Frazier,	W. F. Pitman,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Schoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Schoberth, of the Committee on Kentucky Statutes, to which the same had been referred reported a bill entitled,

H. B. 539. An act to amend an act entitled "An act for preventing the manufacture and sale of adulterated food, drugs, medicines and liquors and providing penalties for violations thereof.

Said bill was read the first time at length and ordered placed on the Calendar.

And then the House adjourned till 7:30 o'clock p. m.

NIGHT SESSION.

At 7:30 o'clock p. m.

Mr. Pogue, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

H. B. 30. An act to amend and re-enact an act entitled, "An act to amend an act entitled 'An act to amend an act entitled 'An act to

assign the cities and towns of this Commonwealth to the classes to which they belong,'" approved March 18, 1908.

H. B. 469. An act to amend an act entitled, "An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, fixing the order of payment thereof and the funds from which said warrants shall be paid," approved May 8, 1897, by repealing said act and enacting a substitute therefor.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The Committees to which the same had been referred, reported bills of the following titles, viz:

By Mr. Steers of the Committee of Appropriations:

S. B. 20. An act for the benefit of the Kentucky Institution for the education of the blind.

By Mr. Herrington of the Committee on Geological Survey:

S. B. 37. An act to establish a sub-experiment station in Eastern Kentucky and a like station in Western Kentucky.

By Mr. Richardson, of the Committee on Confederate Home:

S. B. 63. An act for the benefit of the Kentucky division of the Daughters of the Confederacy.

By Mr. Russell of the Committee on Charitable Institutions:

S. B. 123. An act for the benefit of the Kentucky School for the Deaf.

Without any expression of opinion.

By Mr. Steers of the Committee on Appropriations.

S. B. 318. An act to amend Section 4645a, Kentucky Statutes (Carroll's Edition, 1909), increasing the salary of the stenographer to the Governor.

Without any expression of opinion.

By same:

S. B. 181. An act providing for the payment of the expenses of the tax revision commission and the advisory commission, and appropriating money therefor.

By same:

S. B. 87. An act for the benefit of the Kentucky Home Society for Colored Children.

Without any expression of opinion.

By Mr. Shanks of the Committee on Judiciary:

S. B. 102. An act to repeal and amend Sections 2016, 2020, 2021 and 2033 of Chapter 1 of the Kentucky Statutes, Carroll's Edition of 1909.

By same:

S. B. 240. An act to amend Article 4, Section 186d, of Chapter 11a of the Kentucky Statutes, Carroll's Edition, 1909, entitled, "An act relating to the bond of public officers and other bonds required by law.

By same:

S. B. 308. An act providing for the uniform accounting in and inspection of public offices in the State of Kentucky, and supplementing an act entitled, "An act providing for monthly investigation into the accounts of the Treasurer and Auditor of Public Accounts of the Commonwealth of Kentucky," approved May 24, 1892, and the act entitled, "An act concerning the State Inspector and Examiner," approved January 13, 1893, and enlarging and extending the powers of the State Inspector and Examiner, and changing his official designation to that of State Inspector.

With an amendment thereto.

By Mr. Shanks of the Committee on Rules,

S. B. 331. An act to amend an act entitled "An act prescribing further duties of the Chief Clerks of the Senate and House of Representatives, and providing compensation thereto," being Chapter 16 of the Acts of 1908.

By same:

S. B. 322. An act to amnd and re-enact Sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled, "An act concerning conveyances," approved April 22, 1893, and being Sections 501, 502, 503, 506, 507, 508

and 514, Chapter 29 of the Kentucky Statutes, compiled by John D. Carroll, and issued in 1909, and to amend and re-enact Section 1 of an act entitled, "An act to cure certain defective certificates of proof deeds, and to make copies from the records *prima facie* evidence in the courts and tribunals of this State," approved March 24, 1902, and being Section 519a of said Statutes.

By same:

S. B. 62. An act to provide for an amendment to the Constitution proposed by the tax commission.

By same:

S. B. 134. An act to amend Sections 2622, 2623, 2624, 2625, 2627 and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll.

By same:

S. B. 199. An act authorizing the Secretary of State to appoint examiners for State banking institutions, trust companies, building and loan associations, combined bank and trust companies and defining their duties and that of the Secretary of State, and providing compensation for said duties.

By same:

S. B. 265. An act to amend Section 388 of the Kentucky Statutes, touching record books.

By same:

S. B. 336. An act appropriating money to refund interest paid on Auditor's warrants issued to the three State asylums, and the Kentucky Institution for Feeble-minded Children; to pay indebtedness incurred in the erection and the equipment of power plant at the Kentucky

Institution for Feeble-minded Children, and for the construction of an adequate water system at the Central Kentucky Asylum for the Insane.

By same:

S. B. 279. An act to amend Sections 205 and 210 of an act providing for the creation and regulation of private corporations, which became a law April 5, 1893, being Chapter 171 of the Session Acts of 1891-92-93, and being also Sections 786 and 793 Carroll's Edition of the Kentucky Statutes.

By same:

S. B. 85. An act to authorize the trustees of the jury fund to pay persons summoned as jurors in this Commonwealth.

By same:

S. B. 307. An act to amend an act entitled, "An act to establish a public school in Morganfield in Union County, Kentucky," approved April 19, 1886.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed bills and resolutions which originated in the Senate, of the following titles, viz:

S. B. 91. An act in relation to the control, management and operation of water-works in cities of the First Class.

S. B. 77. An act to repeal Section 136 of the Kentucky Statutes, and to substitute therefor.

S. Res. 13. Resolution providing for the appointment of Commissioners to arrange for Kentucky's participation in the celebration of the Centennial celebration of the battle of Lake Erie.

S. Res. 17. Resolution changing the name of the public road leading from Louisville to Elizabethtown, known as the Louisville and Nashville Pike, to "Lincoln Way."

That they had passed a bill which originated in the House of Representatives of the following title, viz:

H. B. 105. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the First and Second Class.

With an amendment thereto.

Ordered that said bill and amendment be placed on the Clerk's desk.

And then the House adjourned.

THURSDAY, MARCH 10, 1910.

The House was opened with prayer by the Hon. John S. Steers,

The reading of the journal of yesterday's proceedings was dispensed with.

A message was received from the Senate announcing that they had disagreed to a bill which originated in the House entitled,

H. B. 186. An act to further regulate certain kinds of insurance business and providing penalties for its violation.

That they had passed bills of the following titles, viz:

S. B. 121. An act relating to public improvements in cities of the Second Class.

S. B. 204. An act to amend Section 32 of Article 2 of Chapter 108 entitled "Revenue and Taxation," same being Section 4072 of Carroll's Kentucky Statutes.

S. B. 217. An act to regulate the sale of certain agricultural seed.

S. B. 224. An act for the benefit of turnpike roads of this Commonwealth.

S. B. 346. An act authorizing the Commonwealth of Kentucky to issue bonds to the aggregate amount of $500,000.00 for the purpose of funding of certain indebtedness of the State.

Ordered that said bills be printed and referred to the Committee on Rules.

The House took up for consideration from the Calendar, bills of the following titles, viz:

S. B. 20. An act for the benefit of the Kentucky Institution for the education of the blind.

S. B. 37. An act to establish a sub-experiment station in Eastern Kentucky and a like station in Western Kentucky.

S. B. 63. An act for the benefit of the Kentucky division of the Daughters of the Confederacy.

S. B. 123. An act for the benefit of the Kentucky School for the deaf.

S. B. 318. An act to amend Section 4645a, Kentucky Statutes, (Carroll's edition 1909), increasing the salary of the stenographer to the Governor.

S. B. 181. An act providing for the payment of the expenses of the tax revision commission and the advisory commission, and appropriating money therefor.

S. B. 87. An act for the benefit of the Kentucky Home Society for colored children.

S. B. 102. An act to repeal and amend Sections 2016, 2020, 2021 and 2033, of Chapter 1 of the Kentucky Statutes, Carroll's edition of 1909.

S. B. 240. An act to amend Article 4, Section 186d, of Chapter 11a, of the Kentucky Statutes, Carroll's edition 1909, entitled "An act relating to the bond of public officers and other bonds required by law."

S. B. 308. An act providing for the uniform accounting in and inspection of public offices in the State of Kentucky, and supplementing an act entitled: "An act providing for monthly investigation into the accounts of the Treasurer and Auditor of Public Accounts of the Commonwealth of Kentucky," approved May 24, 1892, and the act entitled "An act concerning the State Inspector and Examiner," approved January 13, 1893, and enlarging and extending the powers of the State Inspector and Examiner, and changing his official designation to that of State Inspector.

S. B. 331. An act to amend an act entitled: "An act prescribing further duties of the Chief Clerk of the Senate and the House of Representatives, and providing compensation thereto," being Chapter sixteen of the acts of 1908.

S. B. 322. An act to amend and re-enact Sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled: "An act concerning conveyances," approved April 22, 1893, and being Sections 501, 502, 503, 506, 507, 508 and 514, Chapter 29, of the Kentucky Statutes, compiled by John D. Carroll, issued in 1909, and to amend and re-enact Section 1 of an act entitled: "An act to cure certain defective certificates of proof deeds, and to make copies from the records prima facie evidence in the Courts and tribunals of this State," approved March 24, 1902, and being Section 519a of said Statutes.

S. B. 62. An act to provide for an amendment to the Constitution proposed by the tax commission.

S. B. 134. An act to amend Sections 2622, 2623, 2624, 2625, 2627 and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll.

S. B. 199. An act authorizing the Secretary of State to appoint examiners for State banking institutions, trust companies, building and loan associations, combined bank and trust companies and defining their duties and that of the Secretary of State, and providing compensation for said duties.

S. B. 265. An act to amend Section 388 of the Kentucky Statutes, touching record books.

S. B. 336. An act appropriating money to refund interest paid on Auditor's warrants issued to the three State asylums, and the Kentucky Institution for Feeble-minded Children; to pay indebtedness incurred in the erection and the equipment of power plant at the Kentucky Insitution for Feeble-minded Children, and for the construction of an adequate water system at the Central Kentucky Asylum for the Insane.

S. B. 279. An act to amend Sections 205 and 210 of an act providing for the creation and regulation of private corporations,

which became a law April 5, 1893, being Chapter 171 of the Session Acts of 1891-2-3, and being also Sections 786 and 793, Carroll's edition of the Kentucky Statutes.

S. B. 85. An act to authorize the trustees of the jury fund to pay persons summoned as jurors in this Commonwealth.

S. B. 307. An act to amend an act entitled "An act to establish a public school in Morganfield in Union County, Kentucky," approved April 19, 1886.

Mr. Klair of the Committee on Rules which had originated the same reported entitled,

H. B. 541. An act amending Section 684 of Sub-division 4 of Article 4, Chapter 32 of the Kentucky Statutes, 1903, pertaining to insurance companies.

Said bill was read the first time at length, ordered to be printed and placed on the Calendar.

Mr. Klair offered the following resolution, viz.:

Be it resolved by the House of Representatives that the enrolling of the House be and is hereby authorized to employ the necessary assistance to aid her in the enrollment of bills during the remainder of the session. The cost to be certified and paid as a contingent expense of the House.

The Committees to which the same had been referred, reported bills of the following titles,

By Mr. Klair of the Committee on Rules.

S.B. 139. An act to amend Section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled: An act relating to children who are now and may

hereafter become dependent, neglected or delinquent to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised.

By same:

S. B. 236. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the First, Second, Third and Fourth Class, and to enable Boards of Education or Boards of School Trustees of the First and Second Class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy.

By same:

S. B. 309. An act to define the limit of what is commonly known as "sweating" and punishing the same and prohibiting the introduction as evidence of any confessions obtained by means thereof.

By same:

S. B. 125. An act to provide for a more efficient system throughout the State to create County Boards of Education and to provide for the government and regulation of the common schools.

By same:

S. B. 165. An act to amend Section 2317, Kentucky Statutes relating to lien of landlord.

By Mr. Chunn of the Committee on Public Library.

S. B. 80. An act to create the Kentucky Library Commission to define its powers and duties and to provide its expenses.

By Mr. Miles of the Committee on Circuit Court.

S. B. 27. An act to amend Section 965 of the Kentucky Statutes which relates to the time of holding Circuit Courts in the First Judicial District.

By same:

S. B. 82. An act to regulate the time of holding the terms of Circuit Court in the Twentieth Judicial District.

By same:

S. B. 83. An act changing the time of holding the terms of court in the 27th Judicial District.

By Mr. Shanks of the Committee on Judiciary.

H. B. 395. An act to prevent the employment of or acceptance of employment by any Commonwealth's Attorney or by any firm of which he is a member or by any member thereof, by any public service corporation, company or association engaged in business in the district represented by such Commonwealth's Attorney or by any corporation, company or association exercising a franchise affecting public rights granted by any city or country in such district and to fix a penalty therefor.

By Mr. Withers of the Committee on Kentucky Statutes.

H. B. 431. An act amending Section 4038 of the Kentucky Statutes of the edition compiled by John D. Carroll and issued in 1903.

Said bills were severally read the second time at length and ordered to be placed upon the Calendar.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 460. An act to provide for the teaching of the elements of agriculture in the public schools of this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the course of instruction given in the public schools of this Commonwealth shall embrace the subject of the elements of agriculture, and that the same be taught as a supplementary study until the next regular adoption period for other required subjects in the public school curriculum.

§2. That after the year 1914 the same general requirements for the teaching of the other branches of the public schools of this Commonwealth shall apply in the teaching of the elements of agriculture, and the same shall be one of the required subjects.

§ 3. Suitable books of instruction in elementary agriculture shall be provided by the regular constituted authorities for adopting text books; provided that no more than one book shall be used, and that the same will not cost more than seventy-five cents.

Mr. P. W. Berkshire offered the following amendment to said bill, viz.:

Amend Section 1, line 2, by striking out the word "shall" and inserting the word "may."

Mr. P. W. Berkshire offered the following amendment to said bill, viz.:

Amend by striking out Section 2.

Mr. Brooks offered the following amendment to said bill, viz.:

Amend Section 3, line 4, by striking out the words "seventy-five" and inserting in lieu thereof the word "forty."

Mr. Chinn moved that said bill and pending amendments lie on the table.

Said motion was agreed to.

The yeas and nays being required theron by Messrs. Carter and Moore were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	W. B. Creekmore,	G. H. Plitt,
W. D. Allbright,	H. C. Duffy,	Marion F. Pogue,
J. W. Berkshire,	H. T. Gartin,	J. F. Porter,
P. W. Berkshire,	T. D. Graham,	L. R. Ray,
Eli Berry,	L. B. Herrington,	R. A. Read,
T. M. Bertram,	Robt. C. Hill,	Geo. W. Reid,
Frank J. Brown,	O. M. Kelsey,	G. T. Reynolds,
J. T. Buford,	J. H. Lackey,	J. T. Riherd,
S. M. Carson,	John M. Letterle,	Farris Roberts, Jr.,
J. P. Chinn,	J. H. McWaters,	S. C. Roberts,
Henry Chunn,	Frank S. Moore,	John S. Steers,
Z. A. Clore,	R. H. Moss,	J. J. Taylor,
M. G. Colson,	Ben E. Niles,	E. E. Trivette,
Albert J. Counts,	J. W. Perry,	J. H. Williams,
S. F. Crabtree,	W. F. Pitman,	J. R. Zimmerman,
W. L. Craig,		

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Those who voted in the negative were—

O. Houston Brooks,	W. G. Keen,	A. H. Points,
L. H. Carter,	Wm. F. Klair,	W. A. Price,
Sidney G. Clay,	H. L. Lewis,	H. T. Rich,
J. R. Claypool,	L. C. Littrell,	J. F. Richardson,
Z. T. Coleman,	Hugh Mahin,	S. M. Russell,

Peter J. Cosgrove,	Don G. McVean,	H. A. Schoberth,
C. F. Crecelius,	H. J. Meyers,	W. H. Shanks,
G. G. Frazier,	W. H. Newell,	W. Logan Shearer,
Chas. W. Fulton,	L. C. Owings,	W. H. Southall, Jr.,
F. E. Graves,	S. P. Parks,	J. W. Turner,
Robt. L. Harris,	C. C. Patrick,	Geo. C. Waggoner,
Samuel D. Hines,	W. V. Perry,	W. R. Whitlow,
John W. Holland,	John C. Pirtle,	L. F. Withers,
Hite Huffaker,		—40

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 11. An act to punish fruit tree venders for the misrepresentation of their goods.

Together with the amendment proposed thereto by the Committee on Criminal Law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any agent, company, corporation or any person whatsoever, in selling or trading any fruit tree or trees, vine or vines, that represents said tree or trees, vine or vines to be one kind of tree or vine when in reality it is another kind, shall be fined not less than one hundred dollars nor more than five hundred dollars.

The amendment as proposed thereto by the Committee is as follows, viz.:

Amend by inserting the words "knowingly and fraudently" after the word "that" in line three and by adding at the end of said bill, the following: "Prosecution hereunder shall be begun within five years after the delivery of such trees or vines."

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
J O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
Samuel D. Hines,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. T. Riherd,
Farris Roberts, Jr.,
S. M. Russell,
H. A. Schoberth,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 294. An act to change the time of holding Circuit Court in the 33rd Judicial District of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act of the General Assembly of the Commonwealth of Kentucky, aproved February 21st, 1906, entitled, "An act to create the Thirty-third Judicial District of Kentucky and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for the holding of courts in the said Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-third Districts, and to provide for Judges and Commonwealth's Attorneys for same," be and the same is hereby amended by striking therefrom the word "May" where it occurs in said act following the words "Leslie county, at Hyden, first Monday in February and continue twenty-four juridical days; first Monday in," and insert in lieu thereof the word "July;" and by striking therefrom the word "May" where it occurs in said act following the words "Perry county, at Hazard, first Monday in March and continue eight juridicial days; fourth Monday in." and inserting in lieu thereof the word "July," and by striking from said act the word "June" where it occurs therein following the words "Owsley county, at Booneville, fourth Monday in March, and continue

twelve juridical days; third Monday in," and inserting in lieu thereof the word "August;" so that when amended said act will read as follows:

§ 1. "The Twenty-sixth District shall consist of the counties of Bell, Harlan and Whitley.

"The Twenty-seventh District shall consist of the counties of Clay, Jackson, Knox and Laurel.

"The Twenty-eighth District shall consist of the counties of Clinton, Pulaski, Rockcastle and Wayne.

"The Thirty-third District shall consist of the counties of Leslie, Letcher, Owsley and Perry.

§ 2. "The Hon. M. J. Moss, present Judge of the Twenty-sixth Judicial District, shall be, and remain during the term of office for which he was elected, the Judge of the Twenty-sixth Judicial District, as changed by this act.

"The Hon. H. C. Faulkner and the Hon. William Lewis shall be and remain Judge and Commowealth's Attorney, respectively, of the Twenty-seventh Judicial District, as changed by this act, during the term of office for which they were elected Judge and Commonwealth's Attorney respectively.

"The Hon. M. L. Jarvis and the Hon. James N. Sharp shall be and remain Judge and Commonwealth's Attorney, respectively, of the Twenty-eighth Judicial District, as changed by this act, during the term of office for which they were elected Judge and Commonwealth's Attorney, respectively.

"The Hon. Ira Fields, present Commonwealth's Attorney of the Twenty-sixth Judicial district, who resides in Letcher county, shall be and remain Commonwealth's Attorney of the new Thirty-third District, as constituted by this act, during the term for which he was elected.

"The Governor shall appoint a judge of the Thirty-third Judicial District, as constituted by this act, and such judge shall hold office until his successor is elected and qualified at the regular November election in such district in the year 1909. The Governor shall appoint a Commonwealth's Attorney for the Twenty-sixth Judicial District, as constituted under this act, who shall hold his office until his successor shall be elected and qualified at the regular November election in such district in the year 1909.

§ 3. "The courts in the Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-third Judicial District, and in the several counties composing the same, shall be held at the following times and places, and for the time hereinafter set out:

"Twenty-sixth District.—Bell county, at Pineville, on the first Monday in January, and to continue thirty juridical days; fourth Monday in April, and to continue twenty-four juridicial days; first Monday in September, and to continue thirty-six juridical days.

"Harlan county, at Harlan Court House, on the second Monday in February, and continue eighteen juridical days; fourth Monday in May, and to cntinue twelve juridical days; third Monday in October, and to continue eighteen juridical days.

"Whitley county, at Williamsburg, second Monday in March, and continue thirty juridicial days; second Monday in June, and continue twenty-four juridical days; second Monday in November, and continue thirty-six juridical days.

"Twenty-seventh District.—Jackson county, at McKee, first Monday in January, and continue twelve juridical days; third Monday in April, and continue twelve juridical days; second Monday in September, and continue twelve juridical days.

"Clay county, at Manchester, third in January, and continue eighteen juridical days; first Monday in May, and continue twelve

juridical days; fourth Monday in September, and continue twenty-four juridical days.

"Laurel county, at London, second Monday in February, and continue twenty-four juridical days; third Monday in May, and continue eighteen juridical days; fourth Monday in October, and continue twenty-four juridical days.

"Knox county, at Barbourville, second Monday in March, and continue twenty-four juridical days; second Monday in June, and continue twenty-four days; fourth Monday in November, and continue twenty-four juridical days.

Twenty-eighth District.—Clinton county, at Albany, first Monday in January, and continue twelve juridical days; fourth Monday in April, and continue six juridical days; first Monday in September, and continue twelve juridical days.

"Wayne county, at Monticello, third Monday in January, and continue eighteen juridical days; first Monday in May, and continue eighteen juridical days; third Monday in September, and continue twenty-four juridical days.

"Pulaski county, at Somerset, second Monday in February, and continue thirty-six juridical days; fourth Monday in May, and continue twenty-four juridical days; fourth Monday in October, and continue thirty-six juridical days.

"Rockcastle county, at Mt. Vernon, fourth Monday in March, and continue twenty-four juridical days; fourth Monday in June, and continue eighteen juridical days; second Monday in December, and continue twelve juridical days.

"Thirty-third District.—Letcher county, at Whitesburg, second Monday in January, and continue eighteen juridical days; third Monday in April, and continue twelve juridical days; second Monday in September, and continue eighteen juridical days.

"Leslie county, at Hyden, first Monday in February, and continue twenty-four juridical days; first Monday in July, and continue eighteen juridical days; first Monday in October, and continue twenty-four juridical days.

"Perry county, at Hazard, first Monday in March, and continue eighteen juridical days; fourth Monday in July, and continue eighteen juridical days; second Monday in November, and continue twenty-four juridical days.

"Owsley county, at Boonville, fourth Monday in March and continue twelve juridical days; third Monday in August, and continue twelve juridical days; second Monday in December, and continue twelve juridical days.

§ 4. "This act shall take effect and be in force from and after the first day of July, 1906."

It being to the interest of the farming class of citizens within the district where the time is changed for the holding of courts, by this amendment, an emergency is declared to exist, and this act shall take effect, and be in full force, from and after its passage.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	Robt. L. Harris,	W. A. Price,
W. D. Allbright,	L. B. Herrington,	L. R. Ray,
J. W. Berkshire,	John W. Holland,	R. A. Read,

P. W. Berkshire,	R. Dillard Hunter,	H. T. Rich,
Eli Berry,	S. B. Johnson,	J. F. Richardson,
T. M. Bertram,	W. T. Kenton,	J. T. Riherd,
J. M. Blair,	Wm. F. Klair,	Farris Roberts, Jr.,
J. O. Bogie,	J. H. Lackey,	S. C. Roberts,
Frank J. Brown,	John M. Letterle,	S. M. Russell,
S. M. Carson,	H. L. Lewis,	S. A. Shanklin,
L. H. Carter,	L. C. Littrell,	W. H. Shanks,
J. P. Chinn,	J. H. McWaters,	W. Logan Shearer,
Henry Chunn,	Don G. McVean,	W. H. Southall, Jr.,
J. R. Claypool,	Frank S. Moore,	John S. Steers,
Z. A. Clore,	Ben E. Niles,	J. J. Taylor,
Z. T. Coleman,	L. C. Owings,	E. E. Trivette,
M. G. Colson,	S. P. Parks,	J. W. Turner,
Albert J. Counts,	J. W. Perry,	Edward A. Weber,
Peter J. Cosgrove,	W. F. Pitman,	W. F. Welch,
S. F. Crabtree,	G. H. Plitt,	W. R. Whitlow,
W. L. Craig,	A. H. Points,	J. H. Williams,
C. F. Crecelius,	J. F. Porter,	J. R. Zimmerman,

—66

Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 391. An act to amend and re-enact Section 4338, Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4338 of the Keetucky Statutes be, and the same is hereby, amended by inserting the words, "or County Treasurer, if there be one," in the second line of said act, immediately after the word "County," so that said Section when amended will read as follows, to-wit:

"§ 4338. Tax Collector—Payment of road funds by. That the tax collector of each county, or County Treasurer, if there be one, shall pay out the road and bridge funds in discharge of the liabilities of the county for work on roads and bridges (including pay of contractors, hire of hands and teams, cost of implements and material, and provender for teams, pay of overseers, and all necessary expenses in and about keeping the roads in good order, and building and repairing bridges, etc.), but in no case shall he pay out any of said money except upon the order of the supervisor (specifying what for), with the indorsement thereon of the County Judge of his approval, or when no supervisor, upon order of the overseer or commissioner having charge so indorsed. The collector shall have blank forms of such orders printed in duplicate and numbered, and he shall retain a duplicate of each order given by him, and the number thereof, which he shall exhibit and return to the levy court when required by order of said Court."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. D. Allbright,	L. B. Herrington,	G. H. Plitt,
J. W. Berkshire,	John W. Holland,	J. F. Porter,
T. M. Bertram,	W. G. Keen,	W. A. Price,
J. M. Blair,	W. T. Kenton,	L. R. Ray,
J. O. Bogie,	O. M. Kelsey,	R. A. Read,
O. Houston Brooks,	Wm. F. Klair,	Geo. W. Reid,
Frank J. Brown,	J. H. Lackey,	G. T. Reynolds,
J. T. Buford,	John M. Letterle,	H. T. Rich,
S. M. Carson,	H. L. Lewis,	J. F. Richardson,
J. R. Claypool,	J. H. McWaters,	J. T. Riherd,
Z. A. Clore,	Don G. McVean,	Farris Roberts, Jr.,
Z. T. Coleman,	Frank S. Moore,	S. C. Roberts,
M. G. Colson,	R. H. Moss,	S. A. Shanklin,
Albert J. Counts,	Ben E. Niles,	W. H. Shanks,
Peter J. Cosgrove,	W. H. Newell,	W. Logan Shearer,
S. F. Crabtree,	L. C. Owings,	W. H. Southall, Jr.,
H. C. Duffy,	S. P. Parks,	John S. Steers,
L. H. Francis,	J. W. Perry,	E. E. Trivette,
G. G. Frazier,	W. V. Perry,	W. F. Welch,
Chas. W. Fulton,	John C. Pirtle,	J. H. Williams,
H. T. Gartin,	W. F. Pitman,	J. R. Zimmerman,
T. D. Graham,		—64

Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 63. An act to prevent double taxation and to place the burden of taxation upon the real owner of property in the form of notes secured by mortgage or purchase money lien on real estate.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person being the owner of real estate liable for taxation within the State of Kentucky, and being indebted in any sum, secured by mortgage upon real estate, or by purchase money lien upon real estate, may have the amount of such mortgage, or purchase money lien, indebtedness, existing and unpaid upon the first day of September of each year, deducted from the assessed valuation of such mortgage or lien premises for that year, and the amount of such valuation remaining after such deduction shall have been made shall form the basis for assessment and taxation for said real estate for said year: Provided, that no deduction shall be allowed greater than three-fourths of the assessed valuation of said real estate.

§ 2. That any person desiring to avail himself, or herself, of the provisions of this act shall, between the first day of September and the fifteenth day of October of each year, file with the clerk of the County Court of the county wherein said real estate is situated a sworn statement of the amount of such mortgage or lien indebtedness existing and unpaid on the first day of September of that year, giving the name and residence of the mortgagee, or person holding such lien, and shall also give the name and residence of the assignee or bona fide owner or holder of said mortgage or lien, if known, and if not known, said person shall state that fact, and shall also state the record and page where said mortgage or lien is recorded, and a brief description of the real estate upon which such incumbrance exists.

§ 3. That the clerk of the County Court with whom such statement is filed, in case of money, notes or credits evidenced by such mortgage or lien indebtedness be liable for taxation in any other county in the State of Kentucky, other than the one wherein such real estate is situated, shall immediately certify and transmit a copy of such sworn statement to the County Court clerk of the county wherein the mortgagee, assignee or bona fide holder or owner of such mortgage or lien resides, or wherein the money, notes or credits evidenced by such mortgage or lien is otherwise taxable.

§ 3. That any person who shall willfully make a false statement of the facts provided for in Section 2 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Fifty ($50.00) Dollars, nor more than Five Hundred ($500.00) Dollars, to which may be added imprisonment in the county jail for any term not exceeding six months.

§ 4. That all laws and parts of laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	G. G. Frazier,	L. R. Ray,
J. W. Berkshire,	H. T. Gartin,	R. A. Read,
P. W. Berkshire,	T. D. Graham,	Geo. W. Reid,
T. M. Bertram,	John W. Holland,	G. T. Reynolds,
J. M. Blair,	W. T. Kenton,	H. T. Rich,
J. O. Bogie,	Wm. F. Klair,	J. F. Richardson,

Frank J. Brown,	John M. Letterle,	J. T. Riherd,
J. T. Buford,	H. L. Lewis,	Farris Roberts, Jr.,
S. M. Carson,	J. H. McWaters,	S. C. Roberts,
L. H. Carter,	Don G. McVean,	S. M. Russell,
Henry Chunn,	Frank S. Moore,	W. Logan Shearer,
Z. A. Clore,	Ben E. Niles,	W. H. Southall, Jr.,
Z. T. Coleman,	W. H. Newell,	John S. Steers,
M. G. Colson,	L. C. Owings,	J. J. Taylor,
Albert J. Counts,	S. P. Parks,	E. E. Trivette,
Peter J. Cosgrove,	C. C. Patrick,	Geo. C. Waggoner,
W. L. Craig,	J. W. Perry,	Edward A. Weber,
W. B. Creekmore,	John C. Pirtle,	W. R. Whitlow,
H. C. Duffy,	Marion F. Pogue,	J. H. Williams,
L. H. Francis,	W. A. Price,	—60

Those who voted in the affirmative were—

J. R. Zimmerman, W. H. Shanks,

Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 69. An act to amend Subsection 5 of Section 1403, Kentucky Statutes.

(Subsection 5 of Section 3821, Russell's Statutes of Kentucky.)

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection 5 of Section 1403, Kentucky Statutes, (Subsection 5 of Section 3821, Russell's Statutes of Kentucky) be and the same is hereby amended as follows, viz:

By striking out of the 7th line of said subsection the following, viz: "One dollar and fifty cents" and inserting in lieu thereof "Three dollars." By striking out the words "Twenty dollars" in the 8th line and inserting in lieu thereof "Thirty dollars."

By striking out the words "Five dollars" in the last of the 9th and first of the 10th line and inserting in lieu thereof "Ten dollars." By striking out of the 14th and 15th lines the following, viz: "One loom, spinning wheel and cards or in lieu thereof, either money or property not to exceed fifteen dollars," and to insert in lieu thereof, the following, viz: "One bureau or dresser, one washstand and one wardrobe; if not on hand then either money or other property not exceeding ten dollars in lieu of bureau or dresser, eight dollars in lieu of washstand and six dollars in lieu of wardrobe."

By striking out the 15th and 16th lines the following, viz: "Two beds, bedding and furniture," and inserting in lieu thereof the following, viz: "Two beds, bedding and furniture, if sufficient for family use, but if not sufficient, then beds, bedding and furniture sufficient for family use."

By striking the following out of lines 17, 18, 19 and 20, viz: "One half dozen plates, one half dozen cups and saucers, one coffee pot, one tea pot, one half dozen knives and forks, one oven and pot; if not on hand other property or money not to exceed one dollar each," and insert in lieu thereof the following, viz: "All of the dishes, knives and forks, spoons, tableware, glassware, queensware, and graniteware on

hand that does not exceed twenty dollars in value; if not on hand, then other property or money not to exceed twenty dollars in value in lieu thereof."

By striking out of the 21st and 22d lines the following, viz: "But if not on hand, nothing shall be set apart in lieu thereof," and inserting in lieu thereof, the following, viz: "But if not on hand, other property or money not to exceed twenty-five dollars in lieu thereof."

By striking out of the 29th line, viz: "One wagon," and insert in lieu thereof: "One wagon and set of harness for same, or if the widow prefers, the appraisers may set apart to her a buggy or surrey together with the shafts and pole and set of harness for same instead of the wagon and set of gear."

By striking out of the 30th and 31st lines the following, viz: "If not on hand, nothing shall be set apart in lieu thereof," and insert in lieu thereof the following, viz: "If not on hand, other property or money in lieu thereof, not exceeding twenty-five dollars in value."

By inserting just after the word "her" in the 38th line of said subsection the following, viz: "A sufficiency of provender, if on hand, suitable for the purpose to feed the exempt live stock (if there be such stock on hand) for 12 months; if not on hand, then other property or money in lieu of said provender, not to exceed seventy dollars in value. Carpeting for all the family rooms in use; all the books on hand not exceeding fifty dollars in value; all the washing apparatus not to exceed fifty dollars in value; all the family portraits and pictures; if not on hand, then other property or money not exceeding fifteen dollars in lieu of carpeting not on hand; but nothing in lieu of books or washing apparatus, or family portraits and pictures not on hand."

Said subsection as amended will read as follows, viz:

"5. The following list of articles are exempt from distribution and sale, and shall be set apart to the widow or infant child or children

by the appraisers of the estate of the intestate, to-wit: Two horses or one horse and yoke of oxen; and, if not on hand, other property or money not to exceed in value one hundred dollars for each work horse or yoke of oxen; ten head of sheep; if none on hand, other property or money not to exceed three dollars per head; two cows and calves; if none, other property or money not to exceed thirty dollars for each cow and calf; all the poultry on hand; if none, other property or money not to exceed ten dollars; all spun yarn and manufactured cloth and carpeting manufactured by the family necessary for its use; if not on hand, in lieu thereof other property or money not to exceed twenty dollars; all of the wearing apparel; the family Bible and one table; or in lieu of the family Bible and table three dollars each; one bureau or dresser, one washstand and one wardrobe; if not on hand, then either money or other property not exceeding ten dollars in lieu of bureau or dresser, eight dollars in lieu of washstand, and six dollars in lieu of wardrobe; two beds, bedding and furniture, if sufficient for family use, but if not sufficient, then beds, bedding and furniture sufficient for family use; if not on hand, either property or money not to exceed forty dollars in value each; all of the dishes, knives and forks, spoons, tableware, glassware, queensware and graniteware on hand that does not exceed twenty dollars in value; if not on hand, then other property or money not to exceed twenty dollars in value in lieu thereof; one cooking stove and appendages, and other cooking utensils not exceeding twenty-five dollars in value; but if not on hand, other property or money not to exceed twenty-five dollars in lieu thereof; one-half dozen chairs or so many as shall not exceed eight dollars in value; and if not on hand, other property or money not to exceed eight dollars; one saddle and appendages, together with bridle; and if not on hand, other property or money in lieu thereof not to exceed ten dollars; one plow and gear or in lieu thereof; if not on hand, other property or money not to exceed ten dollars; one axe; one hoe, if none, other property or money not exceeding one dollar each; one wagon and set of harness for same, or if the widow prefers, the appraisers may set apart to her a buggy or surrey, together with the shafts and pole and set of harness for same instead of the wagon and set of gear; if none,

other property or money in lieu thereof not to exceed fifty dollars; one sewing machine; if not on hand, other property or money in lieu thereof, not exceeding twenty-five dollars in value; a sufficiency of provisions, including breadstuff, to sustain the widow and infant children residing with her one year; and if there is not a sufficiency of provisions on hand for that purpose, then so much of the live stock suitable for that purpose and of the growing crop, if any, as may be necessary to supply the deficiency; and if not on hand, other property or money in lieu thereof not exceeding fifty dollars for the support of the widow and each infant child living with her. *A sufficiency of provender, if on hand, suitable for the purpose, to feed the exempt live stock (if there be such stock on hand), for 12 months; if not on hand, then other property or money in lieu of said provender not to exceed seventy dollars in value;* carpeting for all the family rooms in use; all the books on hand not exceeding fifty dollars in value; all the washing apparatus not to exceed fifty dollars in value; all the family portraits and pictures: if not on hand, then other property or money not exceeding fifteen dollars in lieu of carpeting not on hand; but nothing in lieu of books or washing apparatus or family portraits or pictures not on hand. If there is an infant child or children, and no mother surviving, there shall be set apart for the support of such infant child or children the articles aforesaid; and if such articles are not on hand, then other articles or money shall be set apart in lieu thereof; but in no case shall appraisers set apart, to either widow or child or children, property or money in lieu of the articles allowed by law, of greater value in the aggregate than seven hundred and fifty dollars. Widows without infant children shall have the property aforesaid set apart to them, the same as if they had infant children residing in the family, except there shall not be anything set apart for the support of infant children, if there be none residing in the family with the widow. The appraisers shall state in their appraisement the articles and value of each, set apart by them to widows and infants, separate from the articles appraised for sale. The provisions of this section shall apply to cases where the husband dies testate, and the widow renounces the provisions of the will in the time prescribed by law.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
L. H. Francis,
H. T. Gartin,
Robt. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
O. M. Kelsey,
Wm. F. Klair,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
L. R. Ray,
R. A. Read,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
Geo. C. Waggoner,
W. F. Welch,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 56. An act to authorize Fiscal Courts to provide for the completion of any incomplete sets of the official addition of the Kentucky Reports.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Fiscal Courts in the various counties are hereby authorized to provide for the completion of any incomplete sets of the Official Reports of the Decisions of the Court of Appeals of Kentucky, which are now or shall be in the various county offices, throughout the State, and which are for the use of the county officials. Said books shall be stamped property of the county so purchasing, and the various county officials shall be responsible for the care of said books and shall, at the end of their term, deliver them intact to their successors in office.

Mr. Zimmerman offered the following amendment to said bill:

Amend by striking out of lines 1 and 2 the following language: "Are hereby authorized to" and substituting therefor the word "may."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	W. A. Price,
W. D. Allbright,	John W. Holland,	L. R. Ray,
J. W. Berkshire,	Hite Huffaker,	Geo. W. Reid,
J. M. Blair,	R. Dillard Hunter,	G. T. Reynolds,
O. Houston Brooks,	W. T. Kenton,	J. F. Richardson,
J. T. Buford,	O. M. Kelsey,	S. M. Russell,
S. M. Carson,	Wm. F. Klair,	H. A. Schoberth,
L. H. Carter,	John M. Letterle,	W. H. Shanks,
J. P. Chinn,	H. L. Lewis,	W. Logan Shearer,
Henry Chunn,	J. H. McWaters,	W. H. Southall, Jr.,
J. R. Claypool,	Frank S. Moore,	Geo. C. Waggoner,
Z. T. Coleman,	L. C. Owings,	W. R. Whitlow,
M. G. Colson,	S. P. Parks,	J. H. Williams,
W. B. Creekmore,	John C. Pirtle,	L. F. Withers,
H. C. Duffy,	G. H. Plitt,	J. R. Zimmerman,
G. G. Frazier,	A. H. Points,	—47

Those who voted in the negative were—

T. M. Bertram,	J. W. Perry,	J. T. Rherd,
Samuel D. Hines,	J. F. Porter,	S. C. Roberts,
J. H. Lackey,		—7

Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 140. An act to amend Section 3467, Kentucky Statutes, in regard to cities of the Third Class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3467 of the Kentucky Statutes, being a part of the act for the government of the cities of the Third Class be, and the same is hereby amended by adding to said section and after the last line of said section the following language, to-wit: If there exists in the city or shall be established a school maintaining the course of study prescribed by the State Board of Education for a first class high school and meeting the requirements of said first class high school, whose funds and endowment are secured for the use of public education, the Board of Education of the city may, in its discretion, make such an arrangement with the trustees or governing authority of such school, as will furnish to the pupils who have completed the graded school course, or its equivalent, free tuition in said school until the high school course is completed, and said section as amended shall read as follows, to-wit: Said Board of Education shall have the power to select text-books for use in said school, and prescribe the course of study, and it shall also have power to hold examinations, determine the qualifications of its superintendent, principals, teachers, and issue certificates to same. It may establish high schools, and prescribe the rules by which pupils may pass from one grade to another, and from the graded school to the high school. It may also establish and maintain kindergartens and manual training schools in connection with the public school. If there exists in the city or shall be established a school maintaining the course of study prescribed by the State Board of Education for a first class high school and meeting the requirements of said first class high school, whose funds and endowment are secured for the use of public education, the Board of Education of the city may, in its discretion, make such an arrangement with the trustees or governing authority of such school, as will furnish to the pupils who have completed the graded school

course, or its equivalent, free tuition in said school until the high school course is completed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
Henry Chunn,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
H. T. Gartin,
T. D. Graham,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
J. H. McWaters,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 502. An act to provide for fire drills and instruction as to danger and prevention of fire in the schools and providing penalties for the violation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the State, having an average daily attendance of fifty or more pupils, to instruct and train the pupils by means of drills, so that they may in sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once for each month when said schools are in session and all doors of exit shall be kept unlocked during school hours.

§ 2. That every teacher or instructor in every public, private or parochial school shall devote not less than thirty minutes in each month during which the school is in session, to instruction of pupils between the ages of six and fourteen years, in fire dangers.

§ 3. For the purpose of such instruction it shall be the duty of the Superintendent of Public Instruction to prepare a book conveniently arranged in chapters, or lessons, such chapters or lessons to be in number sufficient to provide a different chapter or lesson for each week of the maximum school year, one of such lessons to be read by the teachers in such schools each week. The books shall be published at the expense of the State under the direction of the Superintendent of Public Instruction, and shall be distributed in quantities sufficient to provide a copy for each teacher required by the provisions of this act to give the instruction herein provided for; the distribution to be made by the Superintendent of Public Instruction.

§ 4. Willful neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provision of this act, shall be a misdemeanor, punishable, each offense, by a fine of not more than twenty nor less than five dollars.

§ 5. An emergency is hereby declared to exist and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	H. T. Gartin,	John C. Pirtle,
W. D. Allbright,	T. D. Graham,	W. F. Pitman,
Eli Berry,	F. E. Graves,	G. H. Plitt,
O. Houston Brooks,	John W. Holland,	Marion F. Pogue,
J. T. Buford,	Hite Huffaker,	A. H. Points,
S. M. Carson,	W. G. Keen,	J. F. Porter,

L. H. Carter,	O. M. Kelsey,	W. A. Price,
Sidney G. Clay,	Wm. F. Klair,	R. A. Read,
J. R. Claypool,	J. H. Lackey,	Geo. W. Reid,
Z. A. Clore,	John M. Letterle,	G. T. Reynolds,
Z. T. Coleman,	J. H. McWaters,	J. F. Richardson,
M. G. Colson,	Don G. McVean,	J. T. Riherd,
Albert J. Counts,	Frank S. Moore,	S. C. Roberts,
Peter J. Cosgrove,	Ben E. Niles,	S. M. Russell,
S. F. Crabtree,	L. C. Owings,	S. A. Shanklin,
C. F. Crecelius,	S. P. Parks,	W. H. Shanks,
L. H. Francis,	C. C. Patrick,	W. H. Southall, Jr.,
G. G. Frazier,	W. V. Perry,	Geo. C. Waggoner,

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Those who voted in the negative were—

L. B. Herrington,	L. R. Ray,	J. J. Taylor,
Robt. C. Hill,	Farris Roberts, Jr.,	J. R. Zimmerman,

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Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 495. An act for the benefit of W. Logan Wood, Chief of Police of Danville, Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer in favor of said W. Logan Wood for the

sum of thirty-eight dollars and nine cents ($38.09), to reimburse said Wood for said expense and railroad mileage, as allowed in cases of requisition arrests in other States and return to this State under Section 1934, Kentucky Statutes.

§ 2. This act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
O. Houston Brooks,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn.
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. B. Creekmore,
H. T. Cartin,
F. E. Graves,
L. B. Herrington,
Robt. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
Hugh Mahin,
Don G. McVean,
L. C. Owings,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
John S. Steers,
Geo. C. Waggoner,
W. F. Welch,
J. H. Williams,
L. F. Withers,

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Those who voted in the negative were—

T. M. Bertram,	H. C. Duffy,	L. R. Ray,
W. L. Craig,	G. G. Frazier,	Geo. W. Reid,
Wm. S. Dean,	Chas. W. Fulton,	— 8

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pogue, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

S. Res. 18. Resolution providing for the payment of certain contingent expenses of the General Assembly of the Commonwealth of Kentucky and providing the mode of payment thereof and ratifying and approving the action of the Sergeant-at-Arms of the House of Representatives and the Sergeant-at-Arms of the Senate in employing certain employees in said House and Senate by which said contingent expenses were incurred.

S. Res. 15. Resolution providing for the appointment of a committee to devise a plan to redistrict the State into appellate, congressional, judicial and legislative districts.

H. B. 354. An act for the benefit of the Home for Incurables.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

The hour of 1:30 p. m. having arrived, the House adjourned until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

At 3:30 o'clock p. m. the House met pursuant to adjournment.

Mr. Newell offered the following resolution, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, that, whereas, the expenditure of a small sum of money in blasting and dredging Three Mile Riffle on the Licking River near Newport, Kentucky, will render that river navigable for a distance of nine miles from its mouth, and be of inestimable benefit to the commerce of the State and nation; the Senators and Representatives of Kentucky in the Congress of the United States are requested to use their power and influence for the enactment of such laws as will secure an appropriation by the Federal Government to the end that the aforesaid improvement may be made.

Said resolution was agreed to.

Mr. Klair, of the Committee on Rules, offered the following resolution, viz:

Whereas, at the last State election an amendment to the Constitution was adopted by the voters of the State, providing that the credit of the Commonwealth be loaned for public road purposes; and, whereas, it is desirable that accurate information be obtained concerning the best way and manner of building good roads; and,

Whereas, it is desirable that the laws of other States be examined on this subject, also that the methods of building or maintaining public roads in other States be ascertained;

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a commission is hereby created to consist of seven members, three of whom shall be members of the Senate, to be selected by the Rules Committee of the Senate; three to be members of the House, to be appointed by the Speaker of the House, and the Governor of Kentucky shall appoint one member of said commission, who may or may not be a member of the General Assembly.

The Commission shall examine into the conditions of the roads of the various counties of the Commonwealth, and they shall ascertain and report how the roads are maintained, also report the amount of money expended by each county on its public roads; they shall also ascertain and report the condition of the various roads in each county and the said commission may visit other States, upon the advice and consent of the Governor of the Commonwealth, and ascertain from the State or States visited, the manner and methods of the State visited, of building and maintaining its public roads. The said commission shall examine the laws of other States governing public roads. It shall be the duty of said commission to make a full and complete report of all information and facts obtained; at the same time it shall prepare a bill or bills for the purpose of carrying into effect the amendment to

the Constitution adopted by the voters of the State at the last election. The Commission shall submit its report in writing thirty days before the meeting of the next General Assembly. The Governor of the Commonwealth shall transmit the report of the commission and any bills or suggestions that it may make to the next General Assembly.

§ 2. Said Commission shall receive for their services, five dollars per diem and actual expenses incurred, while in session, provided they shall not be paid for more than thirty days; and the Auditor of Public Accounts is directed, on the filing of the itemized and certified account of such per diem and expenses, to draw his warrant upon the Treasurer for the payment of same.

Said resolution was agreed to.

The yeas and nays being taken thereon, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. M. Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
Chas. W. Fulton,
F. E. Graves,
L. B. Herrington,
Samuel D. Hines,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
Hugh Mahin,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
J. F. Porter,
W. A. Price,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
S. C. Roberts,
H. A. Schoberth,
W. H. Shanks,
W. H. Southall, Jr.,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
J. R. Zimmerman,

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Those who voted in the negative were—

J. W. Berkshire,	Robt. C. Hill,	W. Logan Shearer,
Z. A. Clore,	J. H. McWaters,	J. J. Taylor,
Wm. S. Dean,	A. H. Points,	W. R. Whitlow.
G. C. Frazier,	Farris Roberts, Jr.,	—11

A message was received from the Senate announcing that they had passed bills which originated in the House, of the following titles, viz:

H. B. 154. An act to authorize any railroad company, operating a railroad in this State, to transport passengers, baggage and freight, carried by it on its railroad across any stream within the limits of, or bordering upon this State, and authorizing any such railroad company to obtain a franchise for the carrying on of a general ferry business.

H. B. 156. An act creating a County School Book commission to adopt for use in Common Schools of each county in this Commonwealth, a uniform series of text books, regulating the prices thereof, defining the powers and duties of said commission and the method of selection of such text books and distribution and prescribing penalties for the violation of this act.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

S. B. 36. An act to provide for the teaching of literature in the Common Schools of the Commonwealth of Kentucky.

S. B. 347. An act providing and appropriating money for a contingent fund for the use of the Governor of this Commonwealth.

S. B. 174. An act to provide for the ware-housing of cotton seed and its products.

S. B. 201. An act to readjust and fix the salaries of Assistant Inspectors of Mines.

S. B. 220. An act for the promotion of agriculture among the negroes, providing for industrial institutes and appropriating annually five thousand dollars therefor.

S. B. 248. An act authorizing the formation of corporations authorized to do a trust, banking and title insurance business.

S. B. 301. An act creating the office of Assistant Commonwealth Attorney, and District Detective, to the Commonwealth Attorney, in counties having cities of the second class.

S. B. 197. An act to amend Section 1741, of the Kentucky Statutes, with reference to the taking of depositions in shorthand.

S. B. 245. An act to amend and re-enact Sections 12 and 14, of Article 4, and Sections 10 and 14, of Article 8, of an act entitled: "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, being Section 3069, 3071, 3183 and 3187, respectively, of the Kentucky Statutes.

S. B. 305. An act empowering the State Fire Marshall and other officers, upon complaint, to enter buildings or upon premises, for the purposes of investigation and demanding the correction of defects for the prevention of fires.

S. B. 345. An act to promote the project of improving water-ways of this Commonwealth and assisting the National Rivers and Harbors Congress in improving water-ways and appropriating money thereof.

Ordered that said bills be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules.

The House took up the consideration from the orders of the day a bill entitled:

H. B. 17. An act to provide for the registration, identification and regulation of motor vehicles.

Together with the amendments proposed thereto by the Committee on Kentucky Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. MOTOR VEHICLE DEFINED.—That the term "Motor Vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except motor bicycles, motar cycles, road rollers, traction engines, fire engines, police patrol wagons, ambulances and such vehicles as run upon rails or tracks.

§ 2. ANNUAL APPLICATION—WHEN TO BE FILED—FEES, ETC.—Every owner of a motor vehicle, which shall be operated or driven upon the public roads or highways of this State, shall anually, before the first day of January of each year for each motor vehicle owned, cause to be filed together with the payment of a registration fee of Three Dollars in the office of the County Clerk of the County in which he resides an application of registration for the following year, beginning the first day of January of each year, containing a brief description of the vehicle to be registered, including the name of the manufacturer, the manufacturer's number of the motor vehicle, if number there be, the character of the motor power, and the amount of such motor power stated in figures of horse-power, the name and address of the owner of such motor vehicle, and the name of the county of the State in which he resides. Every owner of a motor vehicle acquired during any year shall immediately upon acquiring such vehicle,

file a like application with fees as above for registration for the year beginning January first, prior to the date of acquiring such vehicle. Each certificate and number issued by the County Clerk under this act shall be for the period of one year, beginning the first day of January. All applications of owners filed subsequent to the passage of this act for registration for a period of time, including any part of the year 1910, shall be entitled to receive from the County Clerk only certificates, numbers and placards for the period of time ending December 31, 1910; and new applications shall be required as provided in this section for registration beginning with January 1, 1911.

§ 3. DUTIES OF THE COUNTY CLERK, AS TO ASSIGNING NUMBERS, ETC.—Upon the filing in the office of the County Clerk of an application as hereinbefore provided, the County Clerk shall assign to such motor vehicle, as described in such application, a distinctive number, and shall issue to the owner of such motor vehicle, as it is described in the application filed, a certificate of registration, which certificate shall contain the distinctive numbers so assigned to such motor vehicle, the name and address of the owner, a brief description of such motor vehicle, stating the name of the manufacturer, and manufacturer's number, if number there be, the character of the motor power and the amount of such motor power stated in figures of horse-power.

§ 4. RECORD—WHAT TO CONTAIN.—Upon the receipt of application for registration of a motor vehicle as hereinbefore provided, the County Clerk shall thereupon file such application in his office and register such motor vehicle with the name and address of the owner thereof, and the facts stated in the application, in a book or index to be kept for the purpose under the distinctive number and identification mark assigned to such motor vehicle, and issue to the applicant a certificate as hereinbefore provided. The original book or index in which the motor vehicles are registered as hereinbefore provided, shall be kept in the office of the County Clerk, and shall be open to the inspection of any person during reasonable business hours.

§ 5. PLACARD IN REAR.—That every motor vehicle registered in accordance with the provisions of this act shall have the distinctive number and registration mark, assigned to it by the County Clerk, and furnished by the Auditor of the State in accordance with the provisions of Section 6 hereof, as hereinbefore provided, displayed on the rear of such motor vehicle as an identification mark, securely fastened so as not to swing.

§ 6. DISCRIPTION OF PLACARD.—That such distinctive number as an identification mark shall consist of a placard, upon the face of which shall appear the distinctive number assigned to such motor vehicle as hereinbefore provided, in Arabic numerals, such numerals to be not less than four inches in length, each stroke not less than one-half inch in width. Such placard shall also contain the name or abbreviation of the name of this State and the figures of the calendar year for which this distinctive number is issued. Such distinctive number or placard shall be of different color or shade each, such color or shade to be selected by the Auditor.

§ 7. NON-RESIDENTS.—The provisions of the foregoing section shall not apply to motor vehicles owned by non-residents of this State, provided that the owners thereof shall have complied with the provisions of the law of the State of their residence in regard to motor vehicles, and shall comply with such law while operating and driving a motor vehicle upon the public roads or highways of this State; provided, however, that the foregoing sections of this act are substantially in force as law in the State of the residence of the owner of such motor vehicle, otherwise, all provisions of this act shall apply.

§ 8. CHAUFFEUR MUST HAVE CONSENT OF OWNER.—No chauffeur or other person shall drive or operate, or cause to be driven or operated any motor vehicle upon any public road or highway of this State in the absence of the owner of such motor vehicle without such owner's consent.

§ 9. PENALTIES.—The violation of Sections 2 and 4 of this act shall be punishable by a fine not exceeding twenty-five dollars and not exceeding one hundred dollars, or imprisonment for not more than thirty days for a second and subsequent offense. Any person violating any of the provisions of Section 8 of this act shall be deemed guilty of a felony, and upon conviction thereof, shall be confined in the penitentiary for a period not less than one nor more than twenty years.

§ 10. DISPLAYING FALSE PLACARD.—Any person operating or driving a motor vehicle on the highways of this State, which shall display thereon a distinctive number of identification mark belonging to any other motor vehicle, or one which is fictitious, shall be guilty of a misdemeanor, which shall be punishable by a fine of twenty-five dollars for a first offense, and for any subsequent offense by a fine of not less than fifty dollars or more than three hundred dollars, or imprisonment for sixty days, or both.

§ 11. MONEYS FOR PUBLIC ROADS.—All moneys coming into the State Treasury pursuant to this section shall be there maintained as a separate fund for the improvement, maintenance and repair or public roads and highways of the State, and shall be apportioned as the State Highway Fund is apportioned by law.

§ 12. CERTIFICATES.—All certificates under this act shall be issued and recorded as provided by Sections 6132 to 6139 inclusive of the Kentucky Statutes.

The following shall be the form of certificates of registration, duplicates and stubs as herein required:

Stub No. _____

License issued to _____
to own, operate and run an automobile pursuant to the provisions of Section _____ of the Automobile Law.

The following is the description of such Automobile, viz:

Name of Automobile_____,

Made by _____

Factory (car) Number_____,

Motive Power _____

Horse-Power _____,

Style _____

Date _____

_____ Perforated line _____

Duplicate No. _____

This is to certify that on the _____ day of _____, License was granted to _____ to own, operate and run an automobile, pursuant to Section _____ of the Automobile Law. Fees of $3.00 paid.

The following is a true description of automobile, viz:

Name of Automobile _____, Made by _____, Factory (car) No. _____, Motive Power _____, Horse-Power _____, Style _____.

This the _____ day of _____, 19___

_____

Clerk _____ County Court.

_____ Perforated line _____

Original No. _____

Same as diplicate No.

Form of Application for Registration:

Page_____
Line_____
Registration No. _____
Statement of Owner of Motor Vehicle for 19___
I, _____
(Name of Owner)
Address _____
(Street and Number)
_____
(City or Town) (State)
County _____ hereby apply for registration of a motor vehicle pursuant to the provisions of Section _____, of the "Automobile Law."

The following is a description of such motor vehicle, viz:

Name of Automobile _____
Made by _____
Factory (car) Number _____
(This number must be supplied.)
Motive Power _____
(Steam, Electricity or Gasoline.)
Horse Power _____
Style _____
(Runabout, Touring Car, etc.)
Date _____, 1910.

_____
(Sign here in ink.) Owner.

Do not fill out below this line.

Application filed _____
Application entered _____
Certificate mailed _____
Tags shipped _____
Express Co. _____

The amendments as proposed to said bill by the Committee on Kentucky Statutes are as follows, viz:

Amend by striking out the word "three" in line six, Section 2, and substituting therefor the word "five."

And by striking out the word "exceeding" in line 2, Section 9, and substituting therefor the words "less than."

And by striking out the word "twenty," in line 8 of Section 9. and subtsituting therefor the word "five."

And by striking out the words "And furnished by the Auditor of the State in accordance with the provisions of Section 6 hereof," in lines four and five of Section 5.

And by striking out the word "Auditor" at the end of Section 6 and substituting the words "County Clerk."

By striking out Sections 11 and 12, and substituting therefor the following:

"§ 11. The moneys coming into the hands of the County Clerk pursuant to this section shall, after the recording fees and expenses of purchasing and providing the identification placards have been paid therefrom, be placed in the County Road fund and shall be used for the improvement, maintenance and repair of the public roads and highways of the county."

Said amendments were severally agreed to.

Mr. Price offered the following amendment to said bill, viz:

Amend Section 12 by adding thereto "Russell's Edition."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and passed.

The yeas and nays being taken upon the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	W. A. Price,
W. D. Allbright,	Hite Huffaker,	L. R. Ray,
J. W. Berkshire,	R. Dillard Hunter,	R. A. Read,
J. M. Blair,	S. B. Johnson,	Geo. W. Reid,
O. Houston Brooks,	W. T. Kenton,	G. T. Reynolds,
Frank J. Brown,	O. M. Kelsey,	H. T. Rich,
J. T. Buford,	Wm. F. Klair,	J. F. Richardson,
L. H. Carter,	J. H. Lackey,	S. C. Roberts,
J. P. Chinn,	John M. Letterle,	S. M. Russell,
Henry Chunn,	H. L. Lewis,	H. A. Schoberth,
J. R. Claypool,	L. C. Littrell,	S. A. Shanklin,
Z. A. Clore,	Hugh Mahin,,	W. H. Shanks,
Z. T. Coleman,	J. H. McWaters,	W. Logan Shearer,
M. G. Colson,	Don G. McVean,	W. H. Southall, Jr.,
Albert J. Counts,	Frank S. Moore,	J. J. Taylor,
Peter J. Cosgrove,	Ben E. Niles,	E. E. Trivette,
W. L. Craig,	W. H. Newell,	Geo. C. Waggoner,
C. F. Crecelius,	C. C. Patrick,	Edward A. Weber,
W. B. Creekmore,	W. V. Perry,	W. F. Welch,
L. H. Francis,	John C. Pirtle,	W. R. Whitlow,
G. G. Frazier,	G. H. Plitt,	J. H. Williams,
Chas. W. Fulton,	Marion F. Pogue,	L. F. Withers,
H. T. Gartin,	A. H. Points,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Clerk's desk a bill entitled,

H. B. 156. (See title above.)

Together with the amendments proposed thereto by the Senate.

(For bill, see House Journal, February 11th.)

The amendments proposed thereto by the Senate are as follows, viz:

Amend Section 6 by striking out after the words "net contract" (page 3, line 3, of printed bill) the words "and exchange," and inserting after the word "county" (line 4 of printed bill) the words "and the exchange price to pupils."

Amend Section 12 by striking out the words "and exchange" after the words "net contract" (line 5 of printed bill) and inserting after the word "county" (line 7 of printed bill) the words "and the exchange price to pupils."

Amend Section 20 by striking out the word "State" (line 3 of printed bill) and insert in lieu thereof the word "county."

Amend Section 12 by adding thereto the words "under like conditions of sale and distribution."

Amend Section 8 (page 4 of printed bill) by striking out the word "and" after word "third" and inserting in lieu thereof the words "fifth and sixth" after the word "fourth" in same line.

Amend Section 30 (page 11 of printed bill) by striking out the word "or" in line two, after the word "third" and inserting in lieu thereof the words "fifth and sixth" after the word "fourth" in same line.

Said amendments were severally concurred in.

Said bill as amended was passed.

The yeas and nays being taken on the passage of said bill as amended were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	L. R. Ray,
W. D. Allbright,	R. Dillard Hunter,	R. A. Read,
J. W. Berkshire,	S. B. Johnson,	Geo. W. Reid,
P. W. Berkshire,	W. T. Kenton,	G. T. Reynolds,
Eli Berry,	O. M. Kelsey,	H. T. Rich,
J. M. Blair,	Wm. F. Klair,	J. F. Richardson,
O. Houston Brooks,	J. H. Lackey,	Farris Roberts, Jr.,
Frank J. Brown,	John M. Letterle,	S. C. Roberts,
J. T. Buford,	H. L. Lewis,	S. M. Russell,
S. M. Carson,	L. C. Littrell,	H. A. Schoberth,
J. P. Chinn,	J. H. McWaters,	S. A. Shanklin,
J. R. Claypool,	Don G. McVean,	W. Logan Shearer,
Z. T. Coleman,	Ben E. Niles,	W. H. Southall, Jr.,
M. G. Colson,	W. H. Newell,	J. J. Taylor,
Albert J. Counts,	L. C. Owings,	E. E. Trivette,
Peter J. Cosgrove,	S. P. Parks,	Geo. C. Waggoner,
S. F. Crabtree,	C. C. Patrick,	Edward A. Weber,
H. C. Duffy,	John C. Pirtle,	W. R. Whitlow,
L. H. Francis,	W. F. Pitman,	L. F. Withers,
G. G. Frazier,	G. H. Plitt,	J. R. Zimmerman,
H. T. Gartin,	J. F. Porter,	—62

Those who voted in the negative were—

Wm. S. Dean,	Robt. C. Hill,

The House took up for consideration from the Clerk's desk a bill entitled,

H. B. 105. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage, in cities of the First and Second Class.

Together with the amendments proposed thereto by the Senate.

(For bill see House Journal, February 8th.)

The amendments as proposed thereto by the Senate are as follows, viz:

Amend by adding after the word "years" in line 16, Section 5, the words "and said holder of a certificate must be actively engaged in the business of plumbing at the time of making application for a renewal of certificate."

Amend by adding to Section 15 the following: "Nothing in this act shall be construed as involving or affecting any plumbing now installed."

Said amendments were severally concurred in.

Said bill as amended was passed.

The yeas and nays being taken upon the passage of said bill as amended, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	J. F. Porter,
J. W. Berkshire,	H. T. Gartin,	W. A. Price,
P. W. Berkshire,	L. B. Herrington,	L. R. Ray,
Eli Berry,	R. Dillard Hunter,	R. A. Read,
O. Houston Brooks,	W. T. Kenton,	Geo. W. Reid,
Frank J. Brown,	O. M. Kelsey,	G. T. Reynolds,
J. T. Buford,	Wm. F. Klair,	H. T. Rich,
S. M. Carson,	John M. Letterle,	J. F. Richardson,
Henry Chunn,	H. L. Lewis,	S. C. Roberts,
J. R. Claypool,	L. C. Littrell,	S. M. Russell,
Z. T. Coleman,	Hugh Mahin,	H. A. Schoberth,
M. G. Colson,	W. H. Newell,	Geo. C. Waggoner,
Albert J. Counts,	S. P. Parks,	Edward A. Weber,
Peter J. Cosgrove,	J. W. Perry,	W. F. Welch,
S. F. Crabtree,	John C. Pirtle,	W. R. Whitlow,

W. L. Craig,	W. F. Pitman,	J. H. Williams,
C. F. Crecelius,	G. H. Plitt,	L. F. Withers,
H. C. Duffy,	Marion F. Pogue,	—53

Those who voted in the negative were—

Hite Huffaker,

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 304. An act to amend Section 3264 of the Kentucky Statutes, being a part of the charter of cities of the Third Class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3264 of the Kentucky Statutes, being a part of the charter of cities of the Third Class, be amended so as to read as follows, to-wit:

"That said cities are hereby authorized to provide by ordinance for taking an enumeration of the inhabitants thereof, giving the name, age, residence, color, sex, nativity and condition of each inhabitant and such other information as may be deemed proper, and a record of such enumeration shall be made and preserved by the clerk of the city in a well bound book."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
O. Houston Brooks,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
Samuel D. Hines,
John W. Holland,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Frank S. Moore,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
A. H. Points,
J. F. Porter,
W. A. Price,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
S. C. Roberts,
H. A. Schoberth,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
—64

Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 34. An act to repeal the charter of the town of New Foundland in Elliott County.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act entitled, "An act to incorporate the town of Newfoundland, in Elliott County," approved May 3, 1884, and all such acts amendatory thereof, be and the same are hereby repealed, and said corporation is hereby dissolved.

§ 2. That any public money remaining in the treasury of said town, when this goes into effect, shall be turned over to the treasury of Elliott County and applied by the Fiscal Court of the county to the repairs of public roads now within the boundary of said town.

§ 3. This act shall take effect and be in full force and effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	John M. Letterle,	J. F. Richardson,
W. D. Allbright,	H. L. Lewis,	Farris Roberts, Jr.,
Frank J. Brown,	L. C. Littrell,	S. C. Roberts,
J. T. Buford,	J. H. McWaters,	H. A. Schoberth,
S. M. Carson,	Frank S. Moore,	S. A. Shanklin,
Henry Chunn,	W. H. Newell,	W. H. Shanks,

Z. A. Clore,	S. P. Parks,	W. Logan Shearer,
Z. T. Coleman,	J. W. Perry,	John S. Steers,
M. G. Colson,	W. V. Perry,	J. J. Taylor,
Peter J. Cosgrove,	John C. Pirtle,	E. E. Trivette,
S. F. Crabtree,	W. F. Pitman,	J. W. Turner,
Wm. S. Dean,	W. Price,	Geo. C. Waggoner,
H. C. Duffy,	L. R. Ray,	Edward A. Weber,
G. G. Frazier,	R. A. Read,	W. F. Welch,
H. T. Gartin,	Geo. W. Reid,	J. H. Williams,
L. B. Herrington,	G. T. Reynolds,	L. F. Withers,
O. M. Kelsey,	H. T. Rich,	J. R. Zimmerman,
Wm. F. Klair,		

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Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 225. An act to make it unlawful to give a check that is not paid when presented for payment, or to make same good upon demand, and to provide a punishment therefor.

Together with the amendments proposed thereto by the Committee on Criminal Law.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person, or persons, partnership, corporation, association or company giving a check for any amount whatever, which check

shall not be paid when properly presented for payment, or who shall fail or refuse upon demand to make said check good or see that same is duly honored, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than twenty days nor more than six months, or both so fined and imprisoned in the discretion of the jury: Provided, that if such check be given for a greater amount than five hundred dollars, the maximum fine that may be imposed shall be as great as the amount of such check.

The amendments as proposed thereto by said committee are as follows, viz:

Strike out lines one and two and insert in lieu thereof the following, viz: "Any person who shall, with intent to defraud, issue a check to another for the payment of money, upon any bank of this State."

And, further, by striking out the word "or" at the beginning of line four, and inserting in lieu thereof the word "and."

Said amendments were agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	O. M. Kelsey,	G. T. Reynolds,
J. T. Buford,	Wm. F. Klair,	H. T. Rich,
S. M. Carson,	John M. Letterle,	J. F. Richardson,
Henry Chunn,	L. C. Littrell,.	Farris Roberts, Jr.,

J. R. Claypool,	J. H. McWaters,	S. C. Roberts,
Z. A. Clore,	Don G. McVean,	S. M. Russell,
Z. T. Coleman,	Frank S. Moore,	H. A. Schoberth,
Albert J. Counts,	L. C. Owings,	S. A. Shanklin,
Peter J. Cosgrove,	J. W. Perry,	W. H. Shanks,
Wm. S. Dean,	W. V. Perry,	W. Logan Shearer,
G. G. Frazier,	John C. Pirtle,	E. E. Trivette,
Chas. W. Fulton,	G. H. Plitt,	J. W. Turner,
H. T. Gartin,	J. F. Porter,	W. R. Whitlow,
Samuel D. Hines.	R. A. Read,	L. F. Withers,
W. T. Kenton,	Geo. W. Reid,	

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Those who voted in the negative were—

J. W. Berkshire,	H. C. Duffy,	L. R. Ray,
P. W. Berkshire,	W. Price,	J. R. Zimmerman,
J. O. Bogie,		

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Resolved that the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 93. An act to protect religious worship in assemblages known as associations, camp meetings, etc.

Together with the amendment heretofore proposed by the Committee on Public Morals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, or persons, whilst as assemblages of people are engaged in conducting what are popularly known as "Associations," "Camp Meetings," or "Arbor Meetings" in this Commonwealth, to engage in the business of erecting or running stands or other contrivances or places whereby soft drinks, tobacco, cigars, or refreshments of any kind, whether in the nature of eatables or drinkables, are offered for sale, or are allowed to be offered for sale within one mile of the grounds on which said meetings are being held, except such places for selling refreshments as are conducted or authorized to be conducted by the directors or managers of the meeting.

§ 2. Each sale of any article as herein mentioned as being prohibited during the progress of such meetings as are hereinbefore mentioned shall constitute a separate offense hereunder and the party or parties so offending shall be fined in the sum of not less than ten dollars nor more than one hundred dollars for each offense. This act shall not apply to incorporated towns.

§ 3. This act shall take effect from and after its passage.

Said amendment as proposed by said committee is as follows.

In line eight of Section 1, strike out the words "one mile" and insert in lieu thereof the words "one and one-half mile."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
J. M. Blair,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
L. B. Herrington,
Robt. C. Hill,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Don G. McVean,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
G. H. Plitt,
J. F. Porter,
W. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Resolved that the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 436. An act for the benefit of the infant children of Hon. Mc. D. Ferguson, deceased.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be and is hereby instructed to draw his warrant on the Treasurer in favor of I. N. Trimble, guardian for the infant childen of the late McD. Ferguson, and said Treasurer is directed to pay him any balance that would have been due to said McD. Ferguson on his salary as a member of the Kentucky Railroad Commission from the date of his death, to-wit, June 17, 1909, up to the first day of January, 1910.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	O. M. Kelsey,	Farris Roberts, Jr.,
Eli Berry,	John M. Letterle,	S. C. Roberts,
J. M. Blair,	L. C. Littrell,	S. M. Russell,
Frank J. Brown,	J. H. McWaters,	H. A. Schoberth,
J. T. Buford,	Don G. McVean,	W. H. Shanks,
S. M. Carson,	Frank S. Moore,	W. Logan Shearer,
L. H. Carter,	H. J. Meyers,	W. H. Southall, Jr.,
J. P. Chinn,	L. C. Owings,	John S. Steers,
J. R. Claypool,	W. V. Perry,	J. J. Taylor,
Z. A. Clore,	G. H. Plitt,	E. E. Trivette,
Z. T. Coleman,	J. F. Porter,	J. W. Turner,

Peter J. Cosgrove,	W. A. Price,	Edward A. Weber,
S. F. Crabtree,	L. R. Ray,	W. F. Welch,
C. F. Crecelius,	Geo. W. Reid,	W. R. Whitlow,
G. G. Frazier,	G. T. Reynolds,	J. H. Williams,
Chas. W. Fulton,	H. T. Rich,	L. F. Withers,
Robt. C. Hill,	J. F. Richardson,	J. R. Zimmerman,

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Those who voted in the negative were—

L. B. Herrington,	J. W. Perry,	R. A. Read,

Resolved that the title of said bill be as aforesaid.

Mr. G. W. Reid moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 517. An act to amend Section 4224, Subdivision 4, Article 12, of Chapter 108, Kentucky Statutes, act of March the 15, 1906, relating to revenue and taxation, by changing the license tax required of auctioneers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of Section 4224, Subdivision 4, Article 12 of Chapter 108 of Kentucky Statutes, Carroll's Edition of 1909, as relates to the license tax required of auctioneers, as follows:

"Auctioneer. On each auctioneer in each city, town or village five dollars," shall be and the same is hereby stricken therefrom and

repealed; and said section shall be and is hereby amended by inserting in lieu thereof the words,

"Auctioneer. On each auctioneer five dollars for each county in which he shall engage in the business of auctioneering: Provided, however, that such auctioneer as may pay license tax of twenty-five dollars shall receive a State license and be thereby authorized to engage in and transact the said business of his occupation in any and all counties of this State."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Chas. W. Fulton,
H. T. Gartin,
L. B. Herrington,
Robt. C. Hill,
Hite Huffaker,
O. M. Kelsey,
J. H. Lackey,
L. C. Littrell,
Don G. McVean,
Frank S. Moore,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
G. H. Plitt,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
Farris Roberts, Jr.,
S. C. Roberts,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
John S. Steers,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. R. Whitlow,

Peter J. Cosgrove,	Marion F. Pogue,	J. H. Williams,
S. F. Crabtree,	J. F. Porter,	L. F. Withers,
C. F. Crecelius,	W. A. Price,	J. R. Zimmerman,

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Resolved that the title of said bill be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 345. An act to change the name of State University, Lexington, Kentucky, to University of Kentucky, and to amend parts of laws with reference to same.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the State University, Lexington, Kentucky, be changed to University of Kentucky and that all the acts of the General Assembly of the Commonwealth of Kentucky or of the Congress of the United States, making provisions for the establishment, support or maintenance of said institution under whatever name given which have been heretofore enacted or which may be hereafter enacted shall not be affected by this change of name, and all the revenues accruing from these and from all other sources, State and Federal, shall continue to be paid over by the State and Federal authorities to the Treasurer of the University of Kentucky for its use and maintenance.

§ 2. The appointment of students from each county in the State as now provided by law shall be made between the first day of June and the first day of September of each year, and no competitive examination shall be necessary to be made by the County Superintendent unless there are more applicants than there are appointments to be made from the county, but the County Superintendent must be satisfied that the appointee is able to enter the classes of the University or the Academy. Should a vacancy occur in any appointment at any time after September 1st in any year, it may be filled by the County Superintendent. The President of said University, with the approval of the Executive Committee, may make such change hereafter in the plan of making such appointments as may seem best.

§ 3. The Executive Committee may determine the manner in which rooms in the dormitory may be allotted, and may make such provisions as may be proper for such county appointees as are not able to be accommodated in the dormitories.

§ 4. All existing laws applying to said institution and not herein modified shall continue and be applicable to the said institution under the new name of University of Kentucky.

Mr. McVean offered the following amendment to said bill by way of substitute therefor:

Said substitute is as follows:

An act to amend an act approved March 16, 1908, entitled "An act to change the name of the Agricultural and Mechanical College of Kentucky to State University, Lexington, Kentucky, and to amend parts of the laws with reference to said college and to make the whole apply to said University."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act to amend an act entitled 'An act to change the name of the Agricultural and Mechanical College

of Kentucky to State University, Lexington, Kentucky, and to amend parts of the laws with reference to said college and to make the whole apply to said university,' " approved March 16, 1908, be and the same hereby is amended as follows, viz:

That the title of said act approved March 16, 1908, be and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

An act to change the name of the Agricultural and Mechanical College of Kentucky to University of Kentucky and to amend parts of the laws with reference to said college and to make the whole apply to said University.

§ 2. That Section 1 of said act approved March 16, 1908, be and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

That the institution founded under the land grant of 1862, by the Congress of the United States, and known hitherto under the corporate designation and title of "Agricultural and Mechanical College of Kentucky" be hereafter known and designated as the University of Kentucky.

§ 3. That Section 2 of said act approved March 16, 1908, be and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

That the said University of Kentucky be maintained by the Commonwealth with such endowments, incomes, buildings, and equipments as shall enable it to do work such as is done in other institutions of corresponding rank, both under-graduate and post-graduate, and embracing work of instruction as well as work of original research.

§ 4. That Section 3 of said act approved March 16, 1908, be and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

That all the acts of the General Assembly of the Commonwealth of Kentucky, making provision for the establishment, support, and maintenance of the Agricultural and Mechanical College of Kentucky, heretofore enacted, viz: An act appointing a commission for the location of the Agricultural and Mechanical College, approved March 13, 1878; an act locating and establishing the Agricultural and Mechanical College, approved February 6, 1880; an act incorporating the Agricultural and Mechanical College, approved March 4, 1880; an act amending the act of incorporation, approved April 23, 1880; an act of the General Assembly approved April 29, 1880, and Section 184 of the Constitution of Kentucky, guaranteeing the validity of the tax levied for the benefit of the Agricultural and Mechanical College by the said act, approved April 29, 1880; an act of incorporation, amending the acts of March 4, 1880, and April 23, 1880, approved May 9, 1893; an act for the maintenance of the girls' dormitory, approved March 21, 1900, and an act making an annual appropriation for the maintenance and support of the said college, which became a law March 26, 1904; and that all the acts of the Congress of the United States, creating and endowing colleges under the land-grant of 1862, viz: The act providing for the establishing of the college for the benefit of agricultural and mechanic arts, approved July 2, 1862; the act of establishing experiment stations as departments of agricultural colleges, approved March 2, 1887; the act for applying a portion of the proceeds of the public lands to the more complete endowment of the colleges established under the act of July 2, 1862, which passed the Senate June 23, 1890; the act known as the "Adames Act," further endowing experiment stations, passed by the Congress March 16, 1906; an act known as the "Nelson Act," for the further endowment of Agricultural and Mechanical Colleges, passed by the Congress, March 4, 1907, shall not be affected by this change of name, and the revenues accruing from these and from any and all other sources, State and Federal, shall continue to be paid

over by the State and Federal authorities to the Treasurer of the University of Kentucky for its use and maintenance, in accordance with the provisions of said acts of the Congress and of the General Assembly of Kentucky.

§ 5. That Section 4 of said act approved March 16, 1908, be and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

That the requirements of the law of the Congress, approved July 2, 1862, for the instruction in those branches of learning, relating to agriculture and mechanic arts and to military tactics, shall be carried out fully, and that those branches shall continue to be integral and indispensable courses of instruction in the University of Kentucky; and that in addition to the other colleges of said University, one of the colleges shall be denominated the Agricultural College, and another, the College of Mechanic Arts of the University of Kentucky.

§ 6. That Section 7 of said act approved March 16, 1908, be and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

That so much of the law for the benefit of said college designated as Section 26 of the Kentucky Statutes as applies to the manner of making the appointments of beneficiaries be inserted instead thereof:

Each county in the State, in consideration of the incomes accruing to said institution under the present laws, for the benefit of the Agricultural and Mechanical College, be entitled to select and to send to said University of Kentucky each year, one or more properly prepared students, as hereinafter provided for, free from all charges for tuition, matriculation fees, room rent, fuel, and lights, and to have all the advantages and privileges of said University and dormitories free, except board. Each county in the State shall be the unit of appointment and each county shall be entitled annually to appoint to said University one white pupil for every three thousand, and one for each fraction thereof

over fifteen hundred of white school children based upon the last official census preceding said appointment, provided however that each county shall be entitled to at least one annual appointment." So that said section, as amended, will read as follows:

Each county in the State, in consideration of the incomes accruing to said institution, under the present laws for the benefit of the said Agricultural and Mechanical College, be entitled to select and send to said University each year, one or more properly prepared students, as hereinafter provided for, free from all charges for tuition, matriculation fees, room rent, fuel and lights, and to have all the advantages and privileges of the said University and dormitories free, except board. Each county in the State shall be the unit of appointment, and each county shall be entitled annually to appoint to said University, one white pupil for every three thousand, and one for each fraction thereof over fifteen hundred of the white school children based upon the last official census preceding said appointment, provided however that every county shall be entitled to at least one annual appointment. Said students shall be entitled, free of any cost whatever, to the benefits enumerated above for the term of years necssary to complete the course of study in which he or she matriculates for graduation, or during good behavior. All beneficiaries of the State, who continue students for one consecutive, collegiate year, or ten months, unless unavoidably prevented, shall also be entitled to their necessary traveling expenses in going to and returning from said University. The selection of the beneficiaries shall be made by the superintendent of common schools in their respective counties, upon competitive examination, on subjects prepared by the faculty of the University and transmitted to said superintendents before the first day of June of each year:

Provided, That no standard of admission adopted by the University for admission into the academy shall exclude from the benefits of this act, county appointees who have completed the course of study prescribed by law for the common schools of the Commonwealth. Said competitive examination shall be open to all persons between the ages

of fourteen and twenty-four years. Preference shall be given, other things being equal, to those who have passed with credit through the public school, persons of energy and industry, whose means are small, to aid whom in obtaining a good education, this provision is intended.

Said competitive examination shall be held and the successful competitor appointed in every county of the State in June, July, or August of each year at the same time and place at which white applicants are examined for certificates to teach in the common schools. It shall be the duty of the County Superintendent to make known the benefits of this provision to each common school district under his superintendency, with the time and place, when and where such competitive examination shall be held. He shall, for this purpose, appoint a Board of Examiners, whose duty it shall be to conduct the examination. This shall not interfere with any appointment already made to said University.

§ 7. That Section 12 of said act approved March 16, 1908, be and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

That all acts passed by the Legislature of Kentucky, and all the regulations made by the Board of Trustees in pursuance thereof, for the government of the Agricultural and Mechanical College, shall continue in effect and apply to the government of the said University of Kentucky, except to the extent herein specifically set out.

§8. That Section 14 of said act approved March 16, 1908, be, and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

That students while attending the University of Kentucky may be examined for county teachers' certificates by the Board of Examiners of Fayette County, Kentucky, and on the dates provided in the common school law for the examination of teachers. If such students are of the age and character required by law in the case of other candidates

for county certificates, the County Superintendent of Fayette County shall admit them to examination and shall collect from each the legal fee with fifty cents additional. At the close of the examination the County Superintendent shall transmit by registered mail the examination papers, together with the examination fee, to the County Superintendent of the county from which said candidate desires his certificate issued. The County Board of Examiners shall canvass the papers sent them as above provided, and shall issue county certificates upon them upon the same terms and conditions as in case of candidates appearing in person for examination.

§ 9. That Section 15 of said act approved March 16, 1908, be and the same hereby is repealed, and in lieu thereof the following is enacted, viz:

Whereas the change of name of the Agricultural and Mechanical College to University of Kentucky will necessitate immediate preparations and advertisement in order to begin University work by September, 1910, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval.

Said substitute was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Samuel D. Hines,	J. F. Porter,
W. D. Allbright,	Hite Huffaker,	W. Price,
J. W. Berkshire,	O. M. Kelsey,	L. R. Ray,

P. W. Berkshire,	Wm. F. Klair,	R. A. Read,
J. M. Blair,	J. H. Lackey,	Geo. W. Reid,
Frank J. Brown,	H. L. Lewis,	G. T. Reynolds,
J. T. Buford,	Hugh Mahin,	H. T. Rich,
S. M. Carson,	J. H. McWaters,	J. F. Richardson,
Henry Chunn,	Frank S. Moore,	Farris Roberts, Jr.,
J. R. Claypool,	H. J. Meyers,	S. C. Roberts,
Z. A. Clore,	Ben E. Niles,	W. Logan Shearer,
Z. T. Coleman,	L. C. Owings,	J. J. Taylor,
M. G. Colson,	S. P. Parks,	E. E. Trivette,
Albert J. Counts,	J. W. Perry,	J. W. Turner,
S. F. Crabtree,	W. V. Perry,	Edward A. Weber,
C. F. Crecelius,	John C. Pirtle,	W. F. Welch,
H. C. Duffy,	W. F. Pitman,	W. R. Whitlow,
G. G. Frazier,	G. H. Plitt,	L. F. Withers,
H. T. Gartin,	Marion F. Pogue,.	J. R. Zimmerman,
L. B. Herrington,		—58

Those who voted in the negative were—

Don G. McVean,	Geo. C. Waggoner,

Resolved that the title of said bill be as aforesaid.

Mr. Faris Roberts moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 484. An act providing that eight hours shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Commonwealth of Kentucky, or by any contractor or sub-contractor, upon any of the public works of the Commonwealth of Kentucky, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the Commonwealth of Kentucky or any such contractor or sub-contractor, whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

§ 2. That any officer or agent of the Commonwealth of Kentucky, or any contractor or sub-contractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the Commonwealth of Kentucky, who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed five hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	J. H. Lackey,	Geo. W. Reid,
Frank J. Brown,	H. L. Lewis,	G. T. Reynolds,
J. T. Bnford,	J. H. McWaters,	J. F. Richardson,
L. H. Carter,	Don G. McVean,	Farris Roberts, Jr.,
Henry Chunn,	Frank S. Moore,	S. C. Roberts,
Z. A. Clore,	H. J. Meyers,	H. A. Schoberth,
Z. T. Coleman,	Ben E. Niles,	W. Logan Shearer,
M. G. Colson,	L. C. Owings,	John S. Steers,
Peter J. Cosgrove,	S. P. Parks,	J. J. Taylor,
C. F. Crecelius,	J. W. Perry,	J. W. Turner,
W. B. Creekmore,	John C. Pirtle,	Geo. C. Waggoner,
H. C. Duffy,	G. H. Plitt,	Edward A. Weber,
G. G. Frazier,	Marion F. Pogue,	Edward A. Weber,
S. B. Johnson,	J. F. Porter,	J. H. Williams,
W. G. Keen,	W. Price,	L. F. Withers,
O. M. Kelsey,	L. R. Ray,	J. R. Zimmerman,
Wm. F. Klair,	R. A. Read,	—50

Those who voted in the negative were—

W. D. Allbright,	W. L. Craig,	W. F. Pitman,
J. W. Berkshire,		—4

Resolved that the title of said bill be as aforesaid.

Mr. Williams moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 152. An act to amend Section 702 of the Kentucky Statutes, touching the organization and conduct of assessment or co-operative fire insurance companies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 702 of the Kentucky Statutes touching the organization and conduct of Assessment or Co-operative Fire Insurance Companies, be amended to include insurance against loss or damage of property by hail, by adding the word "hail" after the word "wind," and enumerating the causes of loss or damage of property so that said section as amended shall read:

§ 702. Corporators—Number and Organization—Property to be Owned—Risks.

Twenty-five or more persons residing in any one or more adjoining towns, or in any county, or in not exceeding ten adjoining counties, who collectively own property of the value of fifty thousand dollars or more, may become a corporation for the purpose of co-operative or assessment insurance against loss or damage of property by fire, wind, hail, or lightning, by making and acknowledging a certificate, setting forth their intention to form such a corporation, the county or counties, town or towns in which it intends to do business, its corporate name, and the place where its principal office is to be located. Every person insured in such a corporation, who shall sign an application for insurance, as required by the certificate of incorporation, or the by-laws of the corporation, shall thereby become a member thereof.

§ 2. Whereas, it is important that the said companies be permitted to include said risks, and the interests of the insuring public so demand, an emergency is declared to exist and this act shall take effect from its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	W. G. Keen,	Marion F. Pogue,
W. D. Allbright,	O. M. Kelsey,	W. Price,
P. W Berkshire,	Wm. F. Klair,	L. R. Ray,
J. O. Bogie,	J. H. Lackey,	R. A. Read,
Frank J. Brown,	H. L. Lewis,	Geo. W. Reid,
J. T. Bnford,	L. C. Littrell,	G. T. Reynolds,
L. H. Carter,	J. H. McWaters,	J. F. Richardson,
J. P. Chinn,	Don G. McVean,	S. C. Roberts,
Henry Chunn,	Frank S. Moore,	H. A. Schoberth,
M. G. Colson,	H. J. Meyers,	S. A. Shanklin,
Peter J. Cosgrove,	Ben E. Niles,	W. Logan Shearer,
W. L. Craig,	L. C. Owings,	John S. Steers,
W. B. Creekmore,	C. C. Patrick,	Geo. C. Waggoner,
H. C. Duffy,	J. W. Perry,	Edward A. Weber,
G. G. Frazier,	John C. Pirtle,	W. F. Welch,
L. B. Herrington,	W. F. Pitman,	J. H. Williams,
S. B. Johnson,	G. H. Plitt,	J. R. Zimmerman,

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Resolved that the title of said bill be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 220. An act establishing the State Board of Education and defining the powers and duties thereof.

Together with the amendment proposed thereto by the Committee on Education No. 2, by way of substitute therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Board of Education of this Commonwealth shall be composed of the State Superintendent of Public Instruction, the Secretary of State, the Attorney-General, each elected as prescribed by the Constitution; and two professional men to be appointed by the State Superintendent of Public Instruction and to be known and designated respectively as the Assistant State Superintendent of Public Instruction and the General Inspector of Schools.

The term of office of the Assistant State Superintendent of Public Instruction and the General Inspector of Schools shall be co-extensive with the term of office of the State Superintendent of Public Instruction, unless removed for incompetency, neglect of duty, or immoral conduct.

The Assistant State Superintendent of Public Instruction and the General Inspector of Schools shall be men whose actual scholastic attainment shall not be less than those qualifications required by the law governing the granting of a life diploma; and whose professional experience in a public school system shall not be less than eight years, the last two years of which shall have been spent in actual service in the public school system of Kentucky in a supervisory position.

The Superintendent of Public Instruction shall receive an annual salary of $3,600; transportation, and additional expenses not to exceed

in amount $3.00 per day during the time he is away from his office and actually engaged in the discharge of professional duties relative to the schools of this Commonwealth. The Assistant State Superintendent of Public Instruction and the General Inspector of Schools shall each receive an annual salary of $2,500; and transportation, and additional expenses not to exceed $3.00 per day during the time actually engaged in the discharge of professional duties relative to the schools of this Commonwealth.

The salaries and expenses provided in this act are to be paid on the warrant of the State Superintendent of Public Instruction from the same fund and in the same manner as the salaries of the clerical force employed in the office of the State Superintendent of Public Instruction.

It shall be the duty of the State Board of Education of this Commonwealth, through the State Superintendent of Public Instruction, the Assistant Superintendent of Public Instruction, and the General Inspector of Schools, to exercise supervisory oversight of all the schools of the Commonwealth that derive financial support or assistance from the State Treasury.

The State Board of Education of this Commonwealth is vested with the power to make by-laws for its government as a board, and shall have power to make and enforce such rules and regulations for the development of the public school system of this Commonwealth as in their judgment may be necessary; and all such rules shall have the full force and effect of law unless in violation of some statutory enactment.

§2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. Steers offered the following amendment to said substitute:

Amend by adding at the end of Section 1, line 8 the following: "The Assistant Superintendent and Chief Clerk shall have no voice nor vote upon or in said board."

Said amendment was agreed to.

Mr. Duffy offered the following amendment to said substitute:

In Section 1, line 21, strike out "thirty-six hundred dollars" and insert in lieu thereof "three thousand dollars."

In line 26, strike out "$2,500.00" and insert "$2,000.00."

Said amendment was agreed to.

Mr. Shearer offered the following amendment to said substitute:

Amend by striking from Section 1, lines 41 to 45, beginning at the word "and" after the word "board."

Said amendment was disagreed to.

Said substitute as amended was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, it was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution are as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	L. B. Herrington,	G. T. Reynolds,
P. W. Berkshire,	Samuel D. Hines,	J. F. Richardson,
J. T. Bnford,	W. G. Keen,	H. A. Schoberth,
J. P. Chinn,	O. M. Kelsey,	S. A. Shanklin,
J. R. Claypool,	Wm. F. Klair,	W. H. Shanks,
Z. T. Coleman,	J. H. Lackey,	W. H. Southall, Jr.,
Peter J. Cosgrove,	L. C. Littrell,	John S. Steers,
W. L. Craig,	Ben E. Niles,	Geo. C. Waggoner,
C. F. Crecelius,	C. C. Patrick,	Edward A. Weber,
T. D. Graham,	W. Price,	J. H. Williams,
F. E. Graves,	Geo. W. Reid,	—32

Those who voted in the negative were—

W. D. Allbright,	H. L. Lewis,	H. T. Rich,
T. M. Bertram,	J. H. McWaters,	Farris Roberts, Jr.,
Henry Chunn,	Frank S. Moore,	S. C. Roberts,
Z. A. Clore,	S. P. Parks,	W. Logan Shearer.
M. G. Colson,	J. W. Perry,	J. J. Taylor,
S. F. Crabtree,	W. F. Pitman,	E. E. Trivette,
W. B. Creekmore,	G. H. Plitt,	J. W. Turner,
H. C. Duffy,	J. F. Porter,	W. F. Welch,
G. G. Frazier,	L. R. Ray,	J. R. Zimmerman,
S. B. Johnson,		—28

Said bill failing to receive the number of affirmative votes as required by the Constitution it was disagreed to.

The committee to which the same had been referred, reported bills of the following titles, viz:

By Mr. Klair, of the Committee on Rules:

H. B. 482. An act for the benefit of the new State Capitol.

By same:

S. B. 329. An act to amend Subsection 3 of Section 217a, of Article 1, Chapter 16, entitled "Charitable Institutions."

By Mr. Pogue of the same Committee:

H. B. 313. An act to amend Chapter 4, Section 13, of an act of the General Assembly of the Commonwealth of Kentucky of March 5, 1898, entitled, "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth."

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

And then the House adjourned.

FRIDAY, MARCH 11, 1910.

The House was opened with prayer by the Rev. M. B. Adams, of the Baptist Church at Frankfort.

The reading of the journal of yesterday's proceedings was dispensed with.

The House took up for consideration from the Calendar:

S. B. 139. An act to amend Section 2 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled, "An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, and fixing and defining the powers of the several County Courts within this Commonwealth, with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised.

S. B. 236. An act to promote and compel attendance of children in schools and to prevent truancy in cities of the First, Second, Third and Fourth Class, and to enable boards of education, or boards of school trustees of the First and Second Class to establish and maintain parental or truant schools for the care and discipline of truant children, and for the purpose of reducing truancy.

S. B. 309. An act to define the limit of what is commonly known as "sweating," and punishing the same and prohibiting the introduction as evidence of any confession obtained by means thereof.

S. B. 125. An act to provide for a more efficient system of common schools throughout the State; to create county boards of education, and to provide for the government and regulation of the common schools.

S. B. 165. An act to amend Section 2317, Kentucky Statutes, relating to lien of landlord.

S. B. 80. An act to create the Kentucky Library Commission, to define its powers and duties and to provide for its expenses.

S. B. 27. An act to amend Section 965 of the Kentucky Statutes, which relates to the time of holding Circuit Courts in the First Judicial District.

S. B. 82. An act to regulate the time of holding the terms of the Circuit Court in the 20th Judicial District.

S. B. 83. An act changing the time of holding the terms of court in the Twenty-seventh Judicial District.

H. B. 395. An act to prevent the employment of or acceptance of employment by any Commonwealth Attorney, or by any firm of which he is a member, or by any member thereof, by any public service corporation, company or association, engaged in business within the district, represented by such Commonwealth Attorney; or by any corporation, company or association, exercising a franchise affecting public rights, granted by any city or county in such district, and to fix a penalty therefor.

H. B. 431. An act amending Section 4038 of the Kentucky Statutes, of the edition compiled by John D. Carroll and issued in 1903.

H. B. 482. An act for the benefit of the new State Capitol.

H. B. 313. An act to amend Chapter 4, Section 13 (Section 13 of said act now being Section 3807 of Kentucky Statutes), of an act of the General Assembly of the Commonwealth of Kentucky of March 5, 1898, entitled, "An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth.

S. B. 329. An act to amend Subsection 3, of Section 217a, Article 1, Chapter 16, entitled: Charitable Intsitutions.

Ordered that said bills be severally read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, said bills were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz:

H. B. 108. An act defining the crime of abortion and prescribing a penalty therefor.

H. B. 135. An act to declare lawful agreements to abstain from growing crops of any given kind for any definite period.

H. B. 253. An act to further regulate the pooling of farm products.

That they had adopted a resolution and passed bills of the following titles, viz:

S. Res. 19. Resolution for the benefit of members of the General Assembly.

S. B. 131. An act to regulate and prohibit the carrying of concealed deadly weapons.

S. B. 246. An act to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3101 and 3102 of the Kentucky Statutes relating to the control and improvement of streets, public ways, landings, wharves, grounds and residence in cities of the Second Class.

S. B. 284. An act authorizing transportation companies in this State to sell at public auction unclaimed articles not perishable, in their possession, after a period of six months, and in case of freight that is perishable and unclaimed, it may be sold as soon as deemed necessary and proper in order to protect the company, consignor and consignee.

S. B. 288. An act for the benefit of the branch penitentiary at Eddyville, Kentucky, and appropriating money for the erection of necessary buildings and improvements at said branch penitentiary.

S. B. 59. An act to amend Section 4949, Chapter 122, of the Kentucky Statutes.

S. B. 179. An act amending Section 965 of the Kentucky Statutes, relative to the time of holding courts in the Sixth Circuit Court district of Kentucky.

S. B. 313. An act to amend Section 3643 of the Kentucky Statutes.

S. B. 317. An act relating to hours of labor and sanitary conditions to be observed in bakeries and confectionery establishments, and providing penalties.

S. B. 269. An act to amend and re-enact Sections 2241 and 2242 of the Kentucky Statutes.

S. B. 243. An act amending Section 4051 (9) of Kentucky Statutes, Carroll's Edition, 1909, said section being entitled "Assessment of property."

S. B. 278. An act providing that the sum of twenty-five thousand dollars be appropriated to be expended by the Board of Penitentiary Commissioners for the erection of a hospital *et cetera.*

Said bills and resolutions were ordered to be printed and referred to the Committee on Rules.

Mr. Russell, of the Committee on Rules, to which the same had been referred, reported a bill entitled,

S. B. 228. An act to appropriate money to pay the deficit occasioned by the Houses of Reform, one for the boys and one for the girls, to pay for the erection of Cottage B. No. 2, at said houses, heretofore erected; to provide for the acquisition of additional ground and water and transportation facilities and otherwise expending, improving and better equipping said institution, and empowering the Board of Penitentiary Commissioners to carry out the same, and appropriating money to pay therefor.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 47. An act to amend an act relating to interurban electric railroads and defining their powers and duties, approved March 11, 1902.

Together with the amendment preposed thereto by the Committee on Interurban and Electric Railways, by way of substitute therefor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all interurban electric railroad companies, operating in Kentucky, a railroad ten or more miles in length, shall within sixty days after this act takes effect, provide all cars used for the transportation of passengers on their said railroad lines with suitable toilet closets for the accommodation of all persons traveling thereon, which said closets shall however, be kept locked inside the limits of any city into or through which said cars may enter or pass.

§ 2. That any interurban electric railroad company that shall fail, refuse, or neglect to comply with the provisions of Section 1 of this act, shall be deemed guilty of a misdemeanor and be fined for each failure or violation not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the Circuit Court of any county through which the company in default operates a line of road.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all interurban electric railroad companies, operating in Kentucky, a railroad, ten or more miles in length, shall, within six months, after this takes effect provide all cars or trains used for the transportation of passengers on said railroad lines, with a suitable toilet for the accommodation of persons traveling thereon, which toilet shall, however, be kept locked within the limits of any city into or through which said cars or trains may enter or pass.

§ 2. This act shall not apply to any suburban or other electric railroad company, operating lines of railroad confined entirely to one county.

§ 3. Any interurban electric railroad company that shall fail, refuse, or neglect to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and shall be fined for such failure or violation, not less than one hundred dollars, or mere than five hundred dollars, to be recovered by indictment in the Circuit Court of any county through which the company in default operates a line of road.

Said substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken upon the passage of said bill in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
L. H. Francis,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
Wm. F. Klair,
John M. Letterle,
Hugh Mahin,
Don G. McVean,
R. H. Moss,
Ben E. Niles,
W. H. Newell,
S. P. Parks,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
W. F. Welch,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Mr. Russell moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

Mr. Russell moved to reconsider the vote by which the House on yesterday failed to pass a bill entitled.

H. B. 220. An act establishing the State Board of education and defining the powers and duties thereof.

(For bill see yesterday's journal.)

Mr. Russell moved that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled.

H. B. 352. An act to amend Section 2632 of Carroll's Statutes relating to pharmacy.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2632 of Carroll's Statutes shall be amended so as to read as follows:

Nothing in this act shall be construed so as to apply to or in any manner interfere with the sale of the usual non-poisonous domestic remedies and medicines and patent or proprietary medicines in county stores in small places or rural districts. Nothing in this act shall apply to or in any manner interfere with the business of any licensed practicing physician or prevent him from supplying to his patients such articles as to him may seem proper or with his compounding his own prescriptions. And in towns of three hundred or less inhabitants and rural districts not less than four miles from a licensed pharmacist, the regular licensed physician may

engage in the business of Pharmacy without examination and shall be licensed by the State Board of Pharmacy upon application and payment of the usual fees.

Mr. Price offered the following amendment to said bill:

Amend by striking out in line 13, the words "without examination."

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	R. Dillard Hunter,	G. T. Reynolds,
J. W. Berkshire,	W. G. Keen,	H. T. Rich,
P. W. Berkshire,	O. M. Kelsey,	J. F. Richardson,
T. M. Bertram,	J. H. Lackey,	J. T. Riherd,
J. M. Blair,	John M. Letterle,	Farris Roberts, Jr.,
J. O. Bogie,	H. L. Lewis,	S. C. Roberts,
Frank J. Brown,	L. C. Littrell,	Sam'l L. Robertson,
J. T. Buford,	Hugh Mahin,	S. M. Russell,
S. M. Carson,	J. H. McWaters,	S. A. Shanklin,
W. G. Caudill,	Don G. McVean,	W. H. Shanks,
J. P. Chinn,	R. H. Moss,	W. Logan Shearer,
Henry Chunn,	H. J. Meyers,	E. E. Trivette,
J. R. Claypool,	Ben E. Niles,	J. W. Turner,
Z. A. Clore,	L. C. Owings,	Geo. C. Waggoner,

M. G. Colson,	S. P. Parks,	Edward A. Weber,
Peter J. Cosgrove,	John C. Pirtle,	W. F. Welch,
C. F. Crecelius,	G. H. Plitt,	W. R. Whitlow,
H. C. Duffy,	J. F. Porter,	J. H. Williams,
L. H. Francis,	L. R. Ray,	L. F. Withers,
H. T. Gartin,	R. A. Read,	J. R. Zimmerman,
John W. Holland,	Geo. W. Reid,	

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Those who voted in the negative were—

Z. T. Coleman,	L. B. Herrington,	W. T. Kenton,
S. F. Crabtree,	Robt. C. Hill,	A. H. Points,
G. G. Frazier,		

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Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 490. An act to repeal in part an act entitled: "An act to amend the charter of the Twelve Mile Turnpike Company," approved March 1, 1854, which was approved January 22, 1867, and and is Chapter 1067, amended March the 15th, 1898, and is Chapter 62 of the Session Acts of 1898.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act entitled "An act to amend the charter of the Twelve Mile Turnpike Company, approved March first eighteen hundred and fifty-four, which was approved January twenty-

second, eighteen hundred and sixty seven and is Chapter one thousand and sixty-nine of the session acts of eighteen hundred and sixty-seven amended March fifteenth, eighteen hundred and ninety-eight and is Chapter sixty-two of the session acts of eighteen hundred and ninety-eight, as allows said company to charge more than one-fifth gate fares or fees to persons crossing the Four Mile Creek Bridge on said road, that said Turnpike Company shall discontinue the Bridge Toll Gate and said one-fifth bridge fairs or fees may be collected at the nearest regular road toll gate.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
F. E. Graves,
John W. Holland,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
John M. Letterle,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
S. P. Parks,
John C. Pirtle,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,

Albert J. Counts,	W. F. Pitman,	Geo. C. Waggoner,
Peter J. Cosgrove,	G. H. Plitt,	Edward A. Weber,
S. F. Crabtree,	A. H. Points,	W. F. Welch,
C. F. Crecelius,	J. F. Porter,	W. R. Whitlow,
H. C. Duffy,	W. A. Price,	J. H. Williams,
G. G. Frazier,	L. R. Ray,	L. F. Withers,
Chas. W. Fulton,		—64

Those who voted in the negative were—

L. B. Herrington,	Robt. C. Hill,

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 334. An act to provide for the transportation of the remains of all convicts who die in penal institutions of this Commonwealth, when the remains are claimed or desired by the relatives of the deceased.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Wardens of the Penal Institutions of this Commonwealth upon the death of any convict to notify the relatives of the deceased convict, and if the remains are claimed or desired by said relatives, said Wardens shall have the remains prepared for shipment in accordance with the laws relative to the transportation of corpses in this Commonwealth, and ship same at

the expense of the State, to the nearest railroad point to such place, as the relatives of the deceased convict may designate as the place of interment.

§ 2. An emergency is hereby declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with.

Said bill was was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
Eli Berry,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
F. E. Graves,
L. B. Herrington,
John W. Holland,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,

W. L. Craig,	C. C. Patrick,	Edward A. Weber,
C. F. Crecelius,	John C. Pirtle,	W. F. Welch,
W. B. Creekmore,	W. F. Pitman,	W. R. Whitlow,
Wm. S. Dean,	G. H. Plitt,	J. H. Williams,
G. G. Frazier,	A. H. Points,	L. F. Withers,
H. T. Gartin,	J. F. Porter,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 247. An act providing a penalty for the mistreatment of animals and for the destruction of animals, to prevent suffering.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any person unnecessarily or cruelly beats, tortures, uses or otherwise mistreats any animal, whether his own or not, he shall be fined not exceeding one hundred dollars.

§2. Any peace officer of the State of Kentucky, or any subdivision thereof, or any officer of the accredited humane society, or society for the prevention of cruelty to animals, may lawfully destroy or kill, or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be glandered, injured or diseased past recovery for any useful purpose, or from any cause suffering without hope of recovery for any useful purpose.

§ 3. Such officer shall, however, first obtain the judgment to that effect of a veterinary surgeon or the judgement to that effect of two reputable citizens called by him to view such animal in his presence.

§ 4. Or such officer shall obtain from the owner of such animal his consent to such destruction.

§ 5. All laws or parts of laws in conflict herewith, especially Section 1246, Chapter 36, Carroll's Kentucky Statutes of 1903, are hereby repealed.

§ 6. This act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	H. C. Duffy,	W. A. Price,
W. D. Allbright,	G. G. Frazier,	L. R. Ray,
T. M. Bertram,	Chas. W. Fulton,	Geo. W. Reid,
J. M. Blair,	John W. Holland,	G. T. Reynolds,
J. O. Bogie,	Hite Huffaker,	J. F. Richardson,
O. Houston Brooks,	W. T. Kenton,	J. T. Riherd,
Frank J. Brown,	O. M. Kelsey,	S. C. Roberts,
J. T. Buford,	Wm. F. Klair,	Sam'l L. Robertson,
S. M. Carson,	John M. Letterle,	S. M. Russell,
L. H. Carter,	Hugh Mahin,	H. A. Schoberth,
W. G. Caudill,	J. H. McWaters,	S. A. Shanklin,
Henry Chunn,	H. J. Meyers,	W. Logan Shearer.

J. R. Claypool,	Ben E. Niles,	W. H. Southall, Jr.,
Z. A. Clore,	L. C. Owings,	John S. Steers,
Z. T. Coleman,	S. P. Parks,	Geo. C. Waggoner,
M. G. Colson,	J. W. Perry,	W. F. Welch,
Peter J. Cosgrove,	John C. Pirtle,	J. H. Williams,
S. F. Crabtree,	G. H. Plitt,	L. F. Withers,
W. L. Craig,	A. H. Points,	J. R. Zimmerman,
Wm. S. Dean,		—58

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 9. An act designating the twelfth day of October of each year a legal holiday, to be known as Columbus day.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

"That the twelfth day of October of the year 1910, and the twelfth day of October of each year thereafter is hereby declared a legal holiday, to be known as "Columbus Day" and the same shall be recognized, classed and treated as other legal holidays under the laws of this State."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	Wm. S. Dean,	G. H. Plitt,
J. W. Berkshire,	G. G. Frazier,	W. A. Price,
P. W. Berkshire,	H. T. Gartin,	L. R. Ray,
Eli Berry,	F. E. Graves,	Geo. W. Reid,
J. M. Blair,	Robt. L. Harris,	G. T. Reynolds,
J. O. Bogie,	L. B. Herrington,	J. F. Richardson,
O. Houston Brooks,	John W. Holland,	S. C. Roberts,
Frank J. Brown,	R. Dillard Hunter,	Sam'l L. Robertson,
J. T. Buford,	W. T. Kenton,	S. M. Russell,
L. H. Carter,	O. M. Kelsey,	H. A. Schoberth,
J. P. Chinn,	Wm. F. Klair,	S. A. Shanklin,
Henry Chunn,	J. H. Lackey,	W. Logan Shearer,
J. R. Claypool,	John M. Letterle,	W. H. Southall, Jr.,
Z. A. Clore,	L. C. Littrell,	John S. Steers,
Z. T. Coleman,	Don G. McVean,	E. E. Trivette,
M. G. Colson,	R. H. Moss,	Geo. C. Waggoner,
Albert J. Counts,	Ben E. Niles,	W. F. Welch,
Peter J. Cosgrove,	L. C. Owings,	J. H. Williams,
S. F. Crabtree,	John C. Pirtle,	L. F. Withers,
W. L. Craig,	W. F. Pitman,	J. R. Zimmerman,
W. B. Creekmore,		

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Those who voted in the negative were—

T. M. Bertram,	Hite Huffaker,	A. H. Points,
S. M. Carson,	H. L. Lewis,	R. A. Read,
H. C. Duffy,	S. P. Parks,	J. T. Riherd,
L. H. Francis,	J. W. Perry,	

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Resolved that the title of said bill be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 2. An act to enable cities of the first class to construct a public hospital..

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The mayor of any city of the first class may appoint four persons who, with the mayor as a member ex-officio, shall constitute a Hospital Commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city, and be the owner in his own right of real estate. No officer or employe of said city, whether holding a paid or unpaid office,shall be eligible for appointment to the said Commission. Such appointees shall be subject to the approval of the board of aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed, such term of office shall expire at such completion. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

§ 2. The persons appointed as provided for in the first section and their successors shall constitute a body corporate under the name of the Commissioners of Hospital of_____(the name of the city in which they are appointed being used to fill the blank), and shall have capacity to contract and be contracted with, to sue and be sued in that name, and to adopt a seal and alter the same at pleasure. Said Commission shall elect a chairman from the appointed members. It shall, by unanimous vote elect a secretary and treasurer, not a member of the Commission, who shall hold the combined office at the pleasure of a majority of the Commission, and receive a salary to be fixed by the Commission, not exceeding $1,800 per annum, to

be paid by the Commission. It shall, by like vote (but not until nor unless the bonds provided for in Section 10 of this act shall be voted) elect a superintendent of construction. This officer must be a draughtsman, experienced in and familiar with fireproof construction and the erection of large buildings and their mechanical equipment, and experienced in reading and executing architect's plans and specifications. He shall give his entire attention to the affairs of the Commission and shall receive as compensation a salary, to be fixed and paid by the Commission, not exceeding $4,000 per annum. He shall be removable at the pleasure of a majority of the Commission. The appointed members of the Commission shall receive no compensation but shall be allowed their expense of travel when on business of the Commission.

§ 3. It shall be the duty of the Commission to make such careful examination of the method of constructing and furnishing public hospitals as may enable it to determine the best plan of erecting and furnishing a public hospital that will fully answer the needs of the city for which it is appointed, taking into consideration its probable growth, including the necessary buildings and their ventilation, heating, lighting and furnishing. The Commission shall have the power to employ one or more architects to submit plans for such construction and furnishing, together or separately, and to attend to the carrying out of the same, and pay a reasonable compensation therefor (but no compensation shall be paid any such architects until nor unless the bonds provided for in Section 10 of the act shall be voted).

§ 4. The chairman, superintendent of construction and the secretary and treasurer of the Commission shall each give bond, with approved surety, in such sum as may be fixed by the Commission, which bond shall be payable to the Commission, and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands. The premium for said bonds shall be paid by the Commission.

§ 5. When the Commission shall have determined upon a general plan for the construction and furnising of a public hospital, which, in its judgement, is the most expedient to be determined upon, it shall report the same, as well as such other proposed plans as it may deem expedient, to the mayor giving a description of the general plan of the construction and furnishing of the hospital and the probable cost of carrying out each plan. The mayor shall lay this report before the general council and the plan recommended by the Commission shall be adopted and carried out by the Commission, unless the plan recommended by the Commission shall, within thirty days after it has been received by the general council, be rejected and disapproved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately. If said plan so recommended by the Commission be so rejected by the general coucil, then at any time within thirty days thereafter one or the other of the alternative plans presented as aforesaid to the general council may be considered by it, and of these plans the one shall finally be adopted which shall be approved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately; and if none of the plans so submitted receives the necessary two-thirds vote within thirty days after the recommendation by the Commission has been rejected as aforesaid, then said Commission, with the approval of the mayor, shall have the right to choose a plan and carry it out. The general council shall have no power to vary any plan proposed and presented by the Commission but in adopting one of those reported must adopt it in its entirety.

§ 6. Said Commission shall have full power and authority to carry out the purpose of this act, among which powers shall be the following, that is to say:

(a) To make all such preliminary investigations and to do all such preliminary work as should, in its judgement, precede the actual construction of said public hospital.

(b) To determine upon a proper site for such public hospital, provided, however, that where in any such city there is at the time, a public hospital, that site as it exists or as enlarged by the acquisition of such adjacent property as may be recommended by the Commission, shall be used unless the Commission shall unanimously determine that it is unsuitable for the purpose and shall recommend to the mayor the acquisition of another site. In the event of such recommendation the mayor shall lay the matter before the general council, who shall approve or disapprove the recommendation of the Commission as to such change of site, and only upon the approval of such change by resolution duly adopted by both boards of the general council and approved by the mayor, shall such new site be adopted. In the event a new site is used the proceeds of the sale of the old site shall go to the payment for the new site.

(c) To provide accommodations for patients of the existing public hospital while the new building is in course of erection and furnishing: Provided, however, that the general council may, out of its levy for charitable institutions, assume the whole or part of the expense of providing such temporary accommodations, to the relief of the funds of the Commission.

(d) Besides the superintendent of construction the Commission may appoint or employ such other professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensation and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper.

(e) To establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work and the payment therefor as it may deem expedient.

(f) To make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act.

(g) To purchase, hire or otherwise obtain the use of all such lands, buildings, machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes: Provided, that this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the Commission.

§ 7. Said Commission may acquire, by gift, purchase or lease, or by condemnation, any land or property situated wholly within the city where such hospital is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, furnishing, maintaining and operating such public hospital. The method of condemnation of property shall be the same as that provided for the condemnation for appropriate municipal purposes by cities of the First Class.

§ 8. All work to be done, or supplies or materials to be purchased in carrying out the purposes of this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder, but the Commission, with the consent of four of the members, may itself do any part or parts of such work under such conditions as it may prescribe, by day labor, whenever the superintendent of construction, in writing, shall recommend that course. All bids or parts of bids, for any work or supplies or materials, may be rejected by said Commission. This section shall not apply to nor be construed so as to limit the power of the Commission in the employment of architects, employes, clerks or agents, nor to the renting of grounds or buildings for the accommodation of patients while the hospital is in course of construction and furnishing.

§ 9. In order to provide money for the construction and furnishing of the said public hospital the general council may adopt an ordinance submitting to the voters of the city, at the November election, 1910, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall not exceed one million dollars; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the general council either prior or subsequent to the selection of the plan to be used in the construction of said public hospital.

§ 10. If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of said Commission, who shall determine when and at what price and how they shall be sold: Provided, that no such bonds shall be sold for less than par, and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the Commission in the same depositaries which are selected for the deposit of the funds of the Sinking Fund Commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the Commission, countersigned in such manner and accompanied by vouchers approved in such manner, as may be prescribed by regulations to be adopted by the Commission.

§ 11. All disbursements of the Commission, including compensation to its officers, agents and others employed by it, shall come out of the proceeds of the sale of the said bonds: Provided, however, that the Commission shall have the right to borrow enough money to defray

the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the repayment of all money so borrowed; and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of December, 1910, the powers herein granted to the said Commission shall cease and the said Commission shall stand dissolved.

§ 12. Upon the dissolution of the said Commission, as provided in Section 11, or upon its dissolution growing out of its completion of the work and the consequent expiration of the terms of the members of Commission, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers, shall, by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of the city, and all money then in the hands of the Commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the Commission; and, second, the balance, if any, to be paid into the hands of the commissioners of the sinking fund of such city, to be used of them as a sinking fund for the bonds hereinbefore provided for. The Commission shall pay out of the proceeds of the sale of said bonds all valid claims for damages or otherwise which may be preferred against it, and the city shall not be liable for any debt which the Hospital Commission may incur, or any claim for damages which may be asserted or awarded against said Commission.

§ 13. All legal services or advice required by the Hospital Commission shall be rendered by the city attorney and his assistants without additional compensation.

§ 14. Section 2827, Kentucky Statutes, vesting in the Board of Public Works of cities of the First Class supervision and control over the construction of all public buildings and public improvements shall, to the extent that it conflicts with this act, stand repealed, and Section 2861, Kentucky Statutes, vesting in the Board of Safety exclusive

control of all matters relating to the city hospital shall, to the extent that it conflicts with this act, stand repealed: Provided, that after said public hospital shall be constructed and turned over to the city, as provided in Section 12 of this act, then said two sections shall attach and thereafter continue as provided by an act entitled "An act for the government of cities of the First Class."

§ 15. This act shall become a law from and after its passage, there being an emergency for the immediate taking effect of this act by reason of the fact that cities of the First Class are in urgent need of a public hospital.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. H. Francis,	W. F. Pitman,
W. D. Allbright,	G. G. Frazier,	G. H. Plitt,
J. W. Berkshire,	Robt. L. Harris,	A. H. Points,
P. W. Berkshire,	L. B. Herrington,	J. F. Porter,
Eli Berry,	Robt. C. Hill,	W. A. Price,
J. T. Buford,	John W. Holland,	L. R. Ray,
S. M. Carson,	Hite Huffaker,	Geo. W. Reid,
L. H. Carter,	R. Dillard Hunter,	G. T. Reynolds,
W. G. Caudill,	S. B. Johnson,	J. F. Richardson,
Henry Chunn,	W. G. Keen,	J. T. Riherd,
J. R. Claypool,	O. M. Kelsey,	S. C. Roberts,
Z. A. Clore,	Wm. F. Klair,	Sam'l L. Robertson,
Z. T. Coleman,	J. H. Lackey,	S. M. Russell,
M. G. Colson,	John M. Letterle,	H. A. Schoberth,
Albert J. Counts,	L. C. Littrell,	S. A. Shanklin,

Peter J. Cosgrove,	H. J. Meyers,	W. H. Shanks,
S. F. Crabtree,	Ben E. Niles,	W. H. Southall, Jr.,
W. L. Craig,	L. C. Owings,	John S. Steers,
C. F. Crecelius,	S. P. Parks,	Geo. C. Waggoner,
Wm. S. Dean,	J. W. Perry,	Edward A. Weber,
H. C. Duffy,	John C. Pirtle,	J. H. Williams,
H. T. Gartin,		

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Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 331. An act to amend an act entitled, "An act prescribing further duties of the Chief Clerks of the Senate and House of Representatives, and providing compensation therefor," being Chapter 16 of the Acts of 1908.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of Chapter 16, Acts of 1908, be and the same is hereby amended and re-enacted by inserting in the first line of said section after the word "clerks" these words "and assistant clerks," and in the eleventh line of said section after the word "clerks" these words "and assistant clerks," and in the thirteenth line of said section after the word "clerks" these words "and assistant clerks."

That Section 3 of Chapter 16, Acts of 1908, be and the same is hereby amended and re-enacted by inserting in the fifth line of said section after the word "said" this word, "chief."

So that Sections 2 and 3 of Chapter 16, Acts 1908, when so amended and re-enacted shall read as follows:

"§ 2. The said clerks and assistant clerks shall, after the adjournment of each session of the General Assembly, carefully compare the printed signatures of the journals, as furnished by the public printer or contractor for the public printing, with the journals, as prepared and kept by them, and correct any errors and supply any omissions which may appear therein. The public printer or contractor for the public printing shall not bind, for final distribution, the journals as above named until the corrected proofs have been furnished him by the clerks and assistant clerks aforesaid. For the comparing and correcting the proofs as aforesaid, the said clerks and assistant clerks shall receive as compensation the same per diem as now allowed by law during the sessions of their respective houses, for such time as they may necessarily be engaged in said duties, not however, to exceed thirty days.

"§ 3. The compensatin provided for in this act shall be paid by the Treasurer, upon warrant issued by the Auditor of Public Accounts. The said warrants to be issued by the Auditor, upon the certificate and sworn statement of each of said chief clerks, as to the number of pages copied and days engaged.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	John W. Holland,	R. A. Read,
P. W. Berkshire,	Hite Huffaker,	Geo. W. Reid,
Eli Berry,	R. Dillard Hunter,	G. T. Reynolds,
O. Houston Brooks,	O. M. Kelsey,	J. F. Richardson,
Frank J. Brown,	Wm. F. Klair,	Farris Roberts, Jr.,
J. T. Buford,	J. H. Lackey,	S. C. Roberts,
S. M. Carson,	John M. Letterle,	S. M. Russell,
L. H. Carter,	L. C. Littrell,	H. A. Schoberth,
J. P. Chinn,	Hugh Mahin,	S. A. Shanklin,
Henry Chunn,	J. H. McWaters,	W. H. Shanks,
J. R. Claypool,	Ben E. Niles,	W. Logan Shearer,
Z. T. Coleman,	L. C. Owings,	W. H. Southall, Jr.,
M. G. Colson,	C. C. Patrick,	John S. Steers,
Peter J. Cosgrove,	C. C. Patrick,	J. W. Turner,
W. L. Craig,	Marion F. Pogue,	Geo. C. Waggoner,
C. F. Crecelius,	A. H. Points,	Edward A. Weber,
G. G. Frazier,	J. F. Porter,	L. F. Withers,
Chas. W. Fulton,	L. R. Ray,	J. R. Zimmerman,
H. T. Gartin,		

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Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Klair offered the following resolution, viz:

Whereas, Mr. Frank M. Andrews, the architect of the new Capitol, has by his splendid skill and genius, wrought a marvel of architectural beauty in this "New Kentucky Home," thus giving to the State of Kentucky one of the most wondrously conceived buildings in the whole

of these United States and comparable with anything in the Old World's classics, and one that also bespeaks the liberality of its loyal citizens, and in token of their everlasting gratitude:

Be it resolved, That we hereby express our appreciation of this marble palace that we now occupy, and that a copy of these resolutions be spread upon the journal, and that a copy suitably engraved be presented to Mr. Andrews.

That the House of Representatives do now resolve itself into the Committee of the Whole House, and that Mr. Andrews be invited to address it.

Said resolution was adopted.

Thereupon the Speaker vacated the chair and designated Mr. Schoberth as Chairman of the Committee in Whole.

After a time the Speaker resumed the chair, Mr. Schoberth of the Committee of the Whole, reported that said Committee had listened to an address by Mr. Andrews as recited above, and now asked to be discharged.

Which was granted.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

H. B. 128. An act to amend the common school laws of Kentucky and to provide for the payment of teachers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of any county school superintendent in the State of Kentucky, when any school is being taught in his

county by a properly qualified teacher under such a contract as entitles such teacher to be paid in said county any part of the common school fund payable out of the State Treasury, and which funds are to be paid into the hands of the county school superintendent for such purpose but not on hands, to issue to any such teacher a certified statement at the end of each month so taught, showing the amount due such teacher for said month, which certified statement shall bear the official signature of the superintendent, and made redeemable by him at his office when the public money for the district in which said school is taught is paid into his hands.

It shall be the duty of the said superintendent when he issues such certified statement to make arrangements with a bank in his county to carry the said certified statement for the benefit of the teacher, at the current rates of discount in such county until redeemed by the said superintendent.

The superintendent may charge and collect from the teacher for his services ten (10) cents for each certificate so issued.

§ 2. All laws or parts of laws in conflict with the provisions herein are hereby repealed.

Mr. Zimmerman offered the following amendment to said bill:

Amend by striking out all of line thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, and by adding in lieu thereof the following language:

"The superintendent may arrange with some bank or banks for the discounting of said certificates, the discount to be borne by the teachers in whose favor the certificates are issued."

Said amendment was agreed to.

Mr. George W. Reid offered the following amendment to said bill:

Amend by adding thereto the following:

"Whereas, great difficulty is experienced by teachers in securing their salaries, an emergency is declared to exist and this act shall be in force from its passage."

Said amendment was agreed to.

Ordered that said bill as amended be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, it was read the third time by its title, and as amended was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Wm. S. Dean,	G. H. Plitt,
W. D. Allbright,	L. H. Francis,	A. H. Points,
J. W. Berkshire,	G. G. Frazier,	J. F. Porter,
P. W. Berkshire,	Chas. W. Fulton,	W. A. Price,
Eli Berry,	H. T. Gartin,	R. A. Read,
T. M. Bertram,	R. Dillard Hunter,	H. T. Rich,
J. M. Blair,	S. B. Johnson,	J. F. Richardson,
J. O. Bogie,	W. T. Kenton,	Farris Roberts, Jr.,
O. Houston Brooks,	O. M. Kelsey,	S. C. Roberts,
Frank J. Brown,	Wm. F. Klair,	Sam'l L. Robertson,
J. T. Buford,	J. H. Lackey,	S. A. Shanklin,
L. H. Carter,	L. C. Littrell,	W. H. Shanks,
W. G. Caudill,	J. H. McWaters,	W. Logan Shearer,
Henry Chunn,	Don G. McVean,	John S. Steers,
Sidney G. Clay,	Frank S. Moore,	J. J. Taylor,
J. R. Claypool,	R. H. Moss,	E. E. Trivette,

Z. T. Coleman,	Ben E. Niles,	J. W. Turner,
M. G. Colson,	W. H. Newell,	Edward A. Weber,
Peter J. Cosgrove,	L. C. Owings,	W. F. Welch,
S. F. Crabtree,	S. P. Parks,	W. R. Whitlow,
W. L. Craig,	C. C. Patrick,	J. H. Williams,
C. F. Crecelius,	John C. Pirtle,	J. R. Zimmerman,

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Those who voted in the negative were—

H. C. Duffy,	W. F. Pitman,	J. T. Riherd,
Robt. C. Hill,	L. R. Ray,	S. M. Russell,
Hugh Mahin,		

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Resolved that the title thereof be as aforesaid.

Mr. Russell moved to reconsider the vote by which said bill was passed and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled,

S. B. 308. An act providing for the uniform accounting in, and inspection of public offices in the State of Kentucky, and supplementing an act entitled, "An act providing for monthly investigation into the accounts of the Treasurer and Auditor of Public Accounts of the Commonwealth of Kentucky," approved May 24, 1892, and the act entitled, "An act concerning the State Inspector and Examiner," approved January 13, 1893, and enlarging and extending the powers of the State Inspector and Examiner and changing his official designation to that of State Inspector.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established a Department of Uniform Accounting and Inspection of Public Officers in the State of Kentucky, to be known as the "Department of Uniform Accounting and Inspection for Kentucky." The principal officer for said Department shall be the State Inspector and Examiner, as now constituted by law, who shall henceforth be designated as the State Inspector. He shall be appointed by the Governor and his appointment confirmed by the Senate, exactly as now provided by law, although this act shall in no wise interfere with the term or tenure of the present State Inspector and Examiner; and the qualifications and term of office of said State Inspector shall remain as now provided by law for said State Inspector and Examiner, and the said State Inspector shall continue to receive the salary heretofore received by the State Inspector and Examiner, and in addition shall receive a salary of one thousand dollars per annum for the additional duties imposed on him by the provisions of this act. The whole of the State Inspector's salary shall be paid out of the State Treasury in the same manner as the salary of the State Inspector and Examiner has heretofore been paid. There shall also be appointed by the State Inspector, subject to the Governor's approval, two Assistant State Inspectors, each of whom shall be a skillful accountant, versed in public accounting, and shall not be less than twenty-four years of age, and shall possess all the qualifications of an elector. Said Assistant State Inspectors shall be of different political parties; that is to say, of the two political parties which at the last preceding State election polled the largest number of votes. Each Assistant State Inspector shall receive an annual salary of three thousand dollars, payable monthly, as the salaries of other State officers are now paid, and they shall be subordinate to and shall act under the direction of the State Inspector. The traveling and other expenses of the State Inspector shall be paid as now provided by law, except as otherwise in this act

provided; and in the same way, the similar expenses of the two Assistant State Inspectors shall be paid out of the funds of the State Treasury except as otherwise in this act provided. It shall be the duty of the State Inspector, within thirty days after this act takes effect to appoint the two Assistant State Inspectors subject to the Governor's approval, one of whom shall be appointed for a term of two years and the other for a term of four years, and thereafter their successors shall be appointed by the State Inspector, subject to the Governor's approval, each for a term of four years. The Assistant State Inspectors shall be subject to removal by the State Inspector, for cause, to be stated by him in writing and filed and preserved as a record of this office. The State Inspector shall also appoint a clerk in the Department of Uniform Accounting and Inspection, skilled in stenography and accounting, and having the qualifications of an elector, who shall receive an annual salary of eighteen hundred dollars, and who shall also be under the direction of the State Inspector. The Department of Uniform Accounting and Inspection shall be permanently provided with adequate and convenient quarters in the State Capitol, and it is hereby made the duty of the Capitol Commission to provide such quarters.

UNIFORM ACCOUNTING AND REPORTING.

§ 2. The State Inspector shall formulate, prescribe and install a system of accounting and reporting in conformity with the provisions of this act, that shall be uniform for every public office and department, whether State, county, city, town, school district or other taxing sub-division or unit within the State, and in every penal, charitable, or other institution within the State suported in whole or in part by the State or by any county, city, town, school district or other taxing sub-division or unit within the State, or to any institution to which either the State or any municipality within the State has contributed, or contributes, funds or property. Said system of accounting shall exhibit true accounts and detailed statement of all funds

collected, received and expended for, or on account of, the public for any and every purpose whatever, and by all public officers, employes or other persons, and shall show the receipt, use and disposition of all public property, and income, if any, derived therefrom; and shall show all sources of public income and the amounts had and received from each source; and shall show alll receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to separate itself and prove the validity of every transaction. The State Inspector shall also formulate all statements and reports, under this act, made, or required to be made, for the interior administration of the offices and departments to which they pertain, and all reports that may be required to be made for filing in the office of State Inspector, or for the information of the people, regarding any and all details of the financial administration of public affairs; and he shall, from time to time, make and enforce such changes in the system and forms of accounting and reporting as shall be deemed by him wise, or that may become necessary, in order to conform to the law. Nothing in this act shall be construed to mean that any public officer, institution or department within the State shall cease to make such reports as are now required to be made by law. The State Inspector shall prescribe all regulations necessary for the enforcement of the provisions of this act, and such regulations shall be, from time to time, printed and promulgated by him, and furnished to the public officers and departments affected thereby, and such regulations shall, if not in conflict with law, and when approved by the Governor, have the force of law.

SEPARATE ACCOUNTS TO BE KEPT.

§ 3. Separate accounts shall be kept for every appropriation, levy or fund made by or accruing to the State or to any municipality therein, showing date and manner whereby such appropriation, levy or fund has been derived or expended, and the name and vocation of each person, firm, organization, corporation or association, to whom paid

and for what purpose paid, such name, vocation and address to be embodied in all claims by law required to be filed for payment; such claims to be verified by the parties presenting same. Separate accounts shall be kept for each public department, undertaking, institution and public service industry within the State; and all service rendered by or property transferred from, one office, department, public improvement, undertaking, institution or public service industry to another, shall be paid for at its true and full value by the office, department, public improvement, undertaking, institution or public service industry receiving the same; and no office, department, public improvement, undertaking, institution or other public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another public service industry. All unexpended balances or appropriation shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed, or the purpose of the appropriation is fulfilled. Accounts of public service industries shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for services rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually for private users, if any, for services rendered to them, and the amount and character of the service rendered therefor, and all earnings thereof.

REPORTS TO STATE INSPECTOR.

§ 4. The State Inspector shall require from, and there shall be filed with him by, any public institution or industry which either the State or any municipality may own, or in which either may have an interest, or to which either directly or indirectly contributes funds or property, and from every public officer or department, whether State or municipal (except from treasurers and disbursing officers of common school districts and from superintendents or other officers or persons having charge of the penal and charitable institutions of the municipality within the State, and to which institutions the State has neither

made or makes contributions for the organization or maintenance thereof), financial reports covering the full period for each fiscal year ending June 30th, in accordance with the forms and methods to be prescribed by the State Inspector, and which shall be uniform for all accounts of the same class. Such reports shall be prepared and filed with the State Inspector within thirty days after the close of each fiscal year by the chief officer, or person in charge, of each public institution, department, or office, of whom such reports are required. Each such report shall also contain an accurate statement, in summarized form, of all public funds collected or received by, and of all earnings of and accounts due to, such institution, department, or office or public treasury, and all expenditures for official or public purposes made for or on account of such institution, department or office, and by what authority made. There shall also be similarly prepared and filed with the State Inspector by certain public officers within the State, reports as follows:

By the mayors of all cities and towns having mayors, by the chairmen of the boards of trustees of all cities and towns not having mayors, and by all judges of the County Court; and these reports, covering the previous fiscal year, shall contain the following information touching the respective municipalities of which the reporting officer may be mayor, chairman of the board of trustees, or county judge as the case may be, to-wit: (a) A statement of all costs of ownership and operation, and of all receipts, income, earnings or liability of every public service industry owned or operated in whole or in part by the municipality for which the report is made; (b) A statement of the entire public debt of the municipality for which the report is made, showing the purposes for which each item thereof was created, and the provisions made for its payment, together with such other information as may be required by the State Inspector; (c) A statement of all revenues received by the municipality for the payment of all licenses, and also an itemized statement of all amounts, if any, that may be due to the municipality and unpaid, on account of any licenses theretofore granted or then in force. The treasurers or persons receiving and disbursing taxes and funds of the various common school districts in the State,

and the superintendents or other persons in charge of the various penal and charitable institutions, supported or maintained by the municipalities of the State, and to which support the State has not contributed, and does not contribute, any funds or property, shall keep their accounts as provided in this act, which accounts shall be subject at any time to examination by the State Inspector or those under him. Such treasurers, superintendents, or persons shall make annual reports, containing the information under this act as required as follows: The treasurers or persons receiving and disbursing the taxes and funds for the common school district shall make such reports direct to the county superintendents of schools of the respective counties wherein such school districts may be located; and such reports shall be, by such superintendent of schools, preserved as a public record, and shall always be open to the inspection of the State Inspector; the superintendents or other persons having charge of the aforesaid penal or charitable institutions maintained by the municipalities of the State shall make such reports direct to the county judge of the county wherein such institutions are located, and such report shall be, by such county judge, filed in the office of the County Court clerk, to be preserved as a public record open to the inspection of the State Inspector. All such reporting officers, however, shall, if called on by the State Inspector so to do, make similar reports to the State Inspector. It is not intended that this act shall require the State Inspector to make or cause to be made annual examinations of the accounts of such common school district treasurers and receiving and disbursing officers, or of the accounts of the superintendents and managers of said municipal institution but he shall make, or cause to be made, an examination of the accounts of any school district or of any of the aforesaid municipal institutions when, in his judgment, he deems it advisable to make such examination. He shall also make, or cause to be made, an examination of the accounts of any common school district whenever the superintendent of schools of the county wherein such district is located, shall call upon the State Inspector to make the same, and the cost of such examination shall be borne by said common school district, to be paid as in this act provided. He shall also make an examination of any of the aforesaid municipal insti-

tutions, whenever the county judge of the county or mayor of the city wherein same are located, shall call upon the State Inspector to make same, and the cost thereof shall be borne by the municipality for whose benefit such examination is made, to be paid in the manner as in this act provided.

DUTY OF PUBLIC OFFICERS.

§ 5. It shall be the duty of every public officer and employe to keep all the accounts of his office or the public institution, department, or business under his supervision, in the forms prescribed by the State Inspector, and to make all reports required of him by the State Inspector. A refusal or neglect to perform these duties shall be deemed an offense against the public welfare, and shall be punishable as provided by Section 12 of this act.

FORMS FOR REPORT BLANKS, ETC.

§ 6. The State Inspector shall formulate and prescribe the forms for the various reports herein required to be made, and he shall annually furnish to the public officers, institutions, and departments required to make such reports, at least ninety days before the time such reports are required to be made, such printed forms and blanks, on which shall be indicated the information required, together with suitable printed instructions for filling out the same. In formulating, prescribing, and installing the uniform system of accounting and reporting herein provided for, the State Inspector may employ all necessary clerical and expert assistance, at a reasonable compensation, to be paid upon his own and the Governor's approval out of any moneys of the State Treasury not otherwise appropriated, upon vouchers duly verified by the parties to whom such compensation is paid; and all cost of printing of the Department of Uniform Accounting and Inspection of Public Offices, and any other expenses of said department not specifically provided for, shall be similarly paid, upon the State Inspector's and Governor's approval, out of moneys of the State Treasury.

COMPARATIVE STATISTICS—PUBLICATION THEREOF.

§ 7. The substance of the reports required, by the provisions of this act to be made to the State Inspector for the various municipalities within the State; together with similar appropriate financial data of the various State offices, departments, and institutions to whose support the State contributes in whole or in part, as compiled by or through him in the course of official examinations, or as furnished to him in the reports required of those holding State offices, or who, as officers or persons are in charge of such State institutions and departments—shall be, by the State Inspector, summarized in convenient form and published in an annual statement or statements of comparative statictics, which shall be issued by him as a public document or documents, at the expense of the State, and same, when so issued, shall be submitted to the Governor, and also to the General Assembly at each regular session. A copy of each such public document shall also be furnished by the State Inspector to each State office, department, or institution, whose financial matters are treated therein; and he shall also furnish a like copy to the county clerk of each county, and to the mayor of each city or town having a mayor, and to the chairman of the board of trustees of each city or town having no mayor; and such copies shall be preserved by all these officers to whom delivered for public advantage.

FIELD EXAMINERS.

§ 8. The State Inspector shall also appoint such additional assistants, to be known as "Field Examiners," as may be necessary to aid in the administration of the provisions of this act. Said Field Examiners shall, at all times, be subject to the order and direction of the State Inspector, and shall be charged with the duty of inspecting and examining the accounts of public offices, institutions, departments and enterprises herein made subject to inspection. Such Field Examiners shall be paid as provided in Section 16 of this act, a sum not exceeding $7.50 for each day employed, and necessary expenses incurred in and about

such examinations. The State Inspector shall have power at any time to remove or discharge any Field Examiner, for cause, to be embodied in writing and filed as a record in the State Inspector's office.

COMPETITIVE EXAMINATIONS.

§ 9. Such Field Examiners shall be appointed from applicants who shall have successfully passed an open, competitive examination for testing their fitness to discharge the duties herein imposed on them. Such examinations shall be made by the State Inspector and Assistant State Inspectors at the office of the State Inspector at Frankfort, Ky., at such time as may be necessary to provide eligibles for appointment, after due announcement thereof is made through not less than two of the leading daily newspapers of the State, of opposite political parties, and by such other notice as the State Inspector may deem proper. Said examinations shall be practical in their character, and, as far as may be, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of Field Examiner, integrity and temperate habits to be considered as affecting the capacity of persons so examined, to discharge said duties. All appointments of Field Examiners shall be made upon the grounds of fitness and without regard to the political affiliations of the appointees. The State Inspector and the Assistant State Inspectors shall prescribe the questions and tests for such examinations, and the regulations governing them.

STATE INSPECTOR—FURTHER DUTIES, POWERS, ETC.

§ 10. It is hereby made the duty of the State Inspector to examine, by and with the assistance of the Assistant State Inspectors and Field Examiners, into the accounts and financial affairs of every public institution, department, office and officer named in this act, at least once a year, after the system of uniform accounting herein provided for shall be installed in such institutions, departments, and offices. In

every examination, inquiry shall be made as to the financial condition and resources of such institution, department, office or municipality examined; whether the Constitution and laws of the State or the ordinances or court orders applicable to any institution, department, office or municipality, and the requirements of the Department of Uniform Accounting and Inspection, have been fully complied with; and such examination shall also inquire into the methods of management and discipline maintained in each State institution, department, office, or municipality examined. The State Inspector, his assistants, and said Field Examiners, when engaged in making any examination as provided for in this act, or when engaged in any official duty devolving upon them hereunder, shall each have the right to enter into any State or municipal office or public institution within the State, and examine any books, papers, documents, or records contained therein or belonging thereto, for the purpose of making such examination; and shall have access, in the presence of the custodian thereof, or of such person as may be in charge thereof, to the cash drawers of public funds in the custody of such officer or person; and they shall also have the right, during business hours, to examine the accounts of public funds of any person or depository which has public funds in custody, held pursuant to the laws of the State or the orders of any court within the State, or the ordinances or regulations of any municipality within the State. The State Inspector, or any of the Assistant State Inspectors or Field Examiners, when engaged in making any examination authorized by this act, may issue subpoenas for witnesses to appear before him in person, or to produce books, papers, and records before him to inspection and examination, such subpoenas to be executed by any officer authorized to serve civil process who shall receive therefor the same fees that are now allowed by law for service of Circuit Court subpoenas; and, if claimed, the same witness and mileage fees as are now allowed by law to witnesses in Commonwealth cases, shall be paid to such witness. The State Inspector, the Assistant State Inspectors, and the Field Examiners shall have authority to administer oaths, and to examine such witnesses under oath, orally or by written questions propounded, touching the matters under investigation; and,

under the authority of the State Inspector, each oral examination may be taken in shorthand and transcribed. The cost of examination, including the taking of testimony, where same is taken, and the cost of serving process and witness fees, shall be included as a part of the expense of the officer making or conducting such examination, and shall be paid as provided in Section 16 of this act. In case any witness, duly subpoenaed, refuses to attend and give his testimony as required in the subpoena, or refuses to produce any documents, books, papers, or records as in such subpoena directed, or shall appear before the officer conducting the examination and refuse to make oath or affirmation, or, being sworn or affirmed, shall refuse to testify touching any matter inquired of, when called upon to do so, then such person so failing and refusing to obey such subpoena, or the direction of the officer conducting such examination, shall be deemed guilty of a contempt, and shall be, by such officer reported to the county attorney of the county, or the Commonwealth's Attorney of the judicial district, wherein such failure or refusal occurs, and it is hereby made the duty of said Commonwealth's or county attorney to immediately institute against such offending party proceedings for contempt by rule or otherwise in the Circuit Court, if same be in session in the county where the offense alleged was committed; otherwise, before the judge of the County Court of such county; and the judge of the Circuit Court or of the County Court, as the case may be, shall forthwith hear the matter and shall determine whether under this act said person has, within the meaning of this act, committed a contempt; that is to say, whether without legal cause, he has failed or refused to obey the direction of the examining officer of the Department of Uniform Accounting and Inspection; and such court or judge before whom the matter is heard, shall, if such person is adjudged guilty of contempt, adjudge against such offending party such punishment as is now by law allowed or provided in contempt cases; and shall, in addition, direct such person to give the testimony asked of him, or otherwise comply with the demand made of him by the aforesaid officer making said examination, and the failure of the person thus offending to obey the order of the Circuit Court or county judge, shall constitute further contempt, and

shall be dealt with accordingly. Any willful false statement under oath given in any examination contemplated in this act shall constitute false swearing, as defined by the laws and statutes of the State of Kentucky, and shall be punishable as such.

REPORTS OF EXAMINATIONS.

§ 11. When examinations are made by any officer of the Department of Uniform Accounting and Inspection except by the State Inspector, a report of such examination shall be made and signed, by the officer making same, and filed with the State Inspector; and thereupon the State Inspector, if he approves of same, shall file said report in his office, to be there preserved as a record; and in addition, he will make to the Governor his own report, based on the examination, report of which has been so made to him, the State Inspector, if said examination relates to the accounts, affairs, or interests of any State office, institutition, or department. If the examination relates to any office, department, institution, or any municipality, or to the accounts, affairs, or interests of any municipality, the State Inspector, if he approves the report made to him of such examination, shall thereupon file a copy thereof with the office, institution, or department examined, and another copy with the auditing department of the municipality wherein or for whose benefit the examination was made; or, if there be no auditing department therein, then with the mayor of any city or town for whose benefit such examination was made; or, if no mayor, with the chairman of the board of trustees thereof; and, where such examination is made for the benefit of any county, then he shall file such report with the clerk of the County Court. All such reports wherever filed shall be preserved as public records. Where such examination is made in any common school district, a copy of such report shall be filed with the county supernitendent of schools of the county wherein such examination is made. The State Inspector shall also make and file with the various offices, departments and institutions, as in this section provided as to reports of his subordinates, reports of any examinations or investigations made by himself. If any examination by this act required to

be made discloses misfeasance, malfeasance, non-feasance, or willful neglect in office on the part of any officer or employe, an additional copy of such report shall be transmitted to the Attorney-General, or to the proper Commonwealth's Attorney, county attorney, or other prosecuting officer, and the officer to whom such report shall be transmitted, shall thereupon institute and prosecute such civil proceedings against such delinquent officer, or upon his official band, or against both, or against any other delinquent persons as will carry into effect the findings resulting from said examination, and as will secure to the proper government, municipality, department, office, or officer, the recovery of any funds misappropriated or due; and the officer to whom such report is thus transmitted shall also, if the law and facts seem to justify, institute, or cause to be instituted, in a court having jurisdiction thereof, prosecution against any offending party or parties for any violation of law which is shown by said report to have been committed. Any such report as is described in this section, or a copy thereof, duly certified by the State Inspector, under seal of his office, shall be taken and received in any and all courts of this Commonwealth as evidence of the facts in such report stated and contained. The reports of examination herein required to be made shall become public records when made or approved by the State Inspector, except in such cases where, in his judgment, the public interests require otherwise.

FAILURE TO REPORT—OBSTRUCTION OF EXAMINATION —PENALTY.

§ 12. Any public officer, or other person required by the provisions of this act so to do, who shall fail, refuse or neglect to make, verify, or file with the State Inspector any report as required of him by this act, or who shall fail or neglect to follow the directions of the State Inspector in keeping the accounts of his office, or who shall refuse the State Inspector or any Assistant State Inspector or Field Examiner access to, and examination of the books, accounts, papers, documents, cash drawer or cash representing public funds of his office or department, or any such officer or other person

who shall in any way interfere with any examining officer of the Department of Uniform Accounting and Inspection, in the discharge of his official duties, shall be deemed guilty of a misdemeanor, and on conviction shall pay a fine of not less than one hundred nor more than one thousand dollars for each offense, and any public officer so offending shall also forfeit, and be removed from, his office, in the manner now or hereafter to be provided by law, for removal from public office. And any person who may threaten or in any way injure, or who may, in any way, attempt to injure, threaten, or intimidate any officer of the Department of Uniform Accounting and Inspection, because of any official act or transaction, shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not less than one hundred, nor more than one thousand dollars, or shall be confined in the county jail not more than six months, or shall be subject to both such fine and imprisonment within the discretion of the jury.

FEE RECORDS—FEE AND SALARY BOOK—PUBLIC INSPECTION.

§ 13. There shall be kept in the office of each public officer, board, commission, and institution within the State a record of the fees collected for the public treasury, or on public account, and, in addition, a separate fee and salary book, both of which shall be public records, and shall be at all times subject to public inspection, the forms of which, for each class of offices, boards, commissions, institutions and departments, shall be formulated and prescribed by the State Inspector. It shall be the duty of all public officers within the State, and of all boards, commissioners, commissions, superintendents of institutions, constables, justices of the peace, town and city marshals, mayors, city and police judges, county court clerks, circuit court clerks, sheriffs, county judges and all other officers and persons who now, or may hereafter, collect fees for their services, to keep a complete record of all such fees collected, from any and every source whatever; and such officers and persons shall keep a separate record of all such fees as are

payable into the public treasury, or on public account, and a separate record showing fees and salaries received by any officer or person; and it shall be the duty of all such officers who employ deputies, assistants, clerks, stenographers or other employes who receive a salary, fees from any source whatever, or other compensation paid with public funds, to enter in such fee and salary book the names of all such officers and persons, including himself, as receive any such salary, fees or compensation, and the amount thereof, from time to time as the same may accrue, or be paid, and to show upon such book the particulars of each item, and from whom, or on what account the same accrues, and when the same was paid to the officer or other persons, and by whom paid. The intention and purpose of this section is declared to be that such books shall contain separately the items and totals of all sums collected for the benefit of the public treasury, or account, and of all sums received by the respective officers and persons for all services rendered and which accrue to them respectively on account of their exercising the duties of such positions so held by them respectively; and this section shall be construed to apply to all State officers, State institutions, State boards commissions or commissioners, and to all offices and officers of each and every municipality within this State. Such records as are provided for in this section shall be public records and shall always be open for public inspection. Any officer or person who fails or refuses to comply with the provisions of this section shall upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars; and a second conviction for such violations shall work a forfeiture of his office.

FINES AND FORFEITURES—RECORD THEREOF—REPORTS—PENALTIES.

§ 14. It shall also be the duty of any officer who collects or receives fines or forfeitures accruing to the State of Kentucky, to keep in a separate book a record of all sums received on account of such fines and forfeitures, the amount of each, and from whom and when re-

ceived. It shall be the duty of the clerk of every court possessing criminal jurisdiction, and of every justice of the peace, mayor, city judge, county judge, or other judge who assesses fines, or adjudges forfeitures, to make report thereof forthwith to the Auditor of Public Accounts, of any and all fines assessed or forfeitures adjudged in such courts, or by such justices of peace, mayors, city judges, county judges, circuit courts, or other courts or judges, for violation of the criminal laws of the State of Kentucky; and upon payment of such fines or forfeitures such officers shall forthwith make report of such payments to the Auditor of Public Accounts; and it shall also be the duty of the aforesaid officers to report to the Auditor of Public Accounts, at the close of each term or session of court, the forfeiture of all bonds and recognizances in which the principals have defaulted; and it shall be the duty of the Auditor of Public Accounts to keep a record and account of all such fines and forfeitures and payments thereof; and on the failure of any such officer or of the Auditor of Public Accounts to obey the provisions of this, or of any other section, of this act imposing any duty on him he shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred, nor more than one thousand, dollars.

AUDIT OF BILLS—WARRANT—QUIETUS.

§ 15. It shall be the duty of every officer having authority to draw the warrant of the State, or of any municipality within the State, in disbursing its funds, or who has authority to execute the receipt and quietus of the State, or of any municipality, in settlement with public officers or with debtors, before presenting same for allowance to the officer, board, or other authority required to pass upon the same, to make examination of all claims as to their form, the authentication thereof as required by law, whether based upon contract or statutory authority, and as to their apparent correctness; and, upon presenting same, to file therewith his certificate, in writing, as to such matters in respect to each and all of such claims. And where the authority to pass upon and allow such claims is lodged in such officer, he shall,

before drawing a warrant therefor, certify to the correctness thereof over his official signature; and it shall be his duty, before issuing the receipt or quietus of the State, or municipality, as the case may be, to any debtor, or to any other officer or person making settlement with the State, or municipality therein, to examine the report, account, or settlement sheet, upon which settlement is made, and he shall require of such debtor, or officer, or otherwise secure, all such information, accounts, vouchers, or exhibits as shall be necessary to satisfy such officer issuing such receipt or quietus of the correctness of such report, account or settlement sheet, and certify thereon that he has made such examination and is satisfied as to its correctness; and no such warrant or quietus shall be issued by any such officer until such certificate shall have been executed and filed with such claim, report, account or settlement sheet.

EXPENSE OF EXAMINATION—HOW PAID.

§ 16. The cost of all examinations of public offices, institutions, and departments of any municipality shall be paid by the respective municipalities wherein or on whose behalf the examinations are made. The expense of all other examinations, including per diem charges of the Field Examiners, shall be paid by the State out of the funds in the State Treasury, upon the approval of the expense accounts therefor, in the same way that the expenses of the State Inspector and Examiner are now paid. Whenever an examination of the accounts of any public office, institution or department of any municipality has been made by any officer of the Department of Uniform Accounting and Inspection, as herein provided, an account of the necessary expenses incurred by him incident to such examination, including railroad fare, if any—and also including the per diem charges of the Field Examiner, if the examination is made by such officer—shall be made out and verified by the examining officer against such municipality wherein or for whose benefit the examination has been made, and the State Inspector, if he is satisfied that same is correct, shall thereupon approve

and certify same as follows: (a) If the examination has been made for the benefit of a city or town having a mayor, the account shall be certified to the mayor who shall immediately thereupon draw a warrant against the current funds of the city or town of which he is mayor, in favor of the examining officer incurring such expense, and same shall be paid as special or extraordinary expense out of current funds or levies or any unappropriated funds of such city or town, by the treasurer of such funds, or other officers or persons having custody thereof; (b) if the examination has been made for the benefit of a city or town having no mayor such account shall be certified to the chairman of the board of trustees thereof who shall immediately draw his warrant in favor of the examining officer incurring such expense, and same shall be paid as a special or extraordinary expense out of current funds or levies or any unappropriated funds of such city or town, by the treasurer of such funds, or other officer or person having custody thereof; (c) if the examination has been made for the benefit of any county such expense account shall be certified to the judge of the County Court of such county who shall immediately enter an order in the County Court directing its payment as a special or extraordinary expense, out of current funds or levies or any unappropriated funds of such county, by the sheriff or treasurer or other officer or person having custody of such funds; (d) if the examination has been made for the benefit of any common school or other school district, the inspection thereof shall be certified to the chairman of the board of trustees of such district, and such chairman shall, in like manner, immediately draw his warrant in favor of the examining officer for such expense against any current revenues or levies or any unappropriated funds of such district, and the treasurer or other officer or person having custody of such funds shall immediately pay same as a special or extraordinary expense; (e) in any other case than already provided for in this section the expense of any examination made agreeably to the provisions of this act shall be paid by the municipality for whose benefit same has been made; and such expense account shall, when certified by the State Inspector, immediately become a charge and debt against such municipality, and the officer, officers, board, court, or other body, charged with the fiscal

management and responsibility for such municipality shall immediately take all necessary steps and make all necessary orders to secure payment of such expense. An examination shall be held to be for the benefit of any county, city, town or other municipality or taxing district when the accounts and affairs of any officer or department thereof are examined touching the collection or disbursement of any funds belonging in whole or in part to such county, city, town or other municipality or taxing district. Where an examination under this act is made in any office, department, or institution affecting both State and local interests and revenues, the expense of such examination shall be equitably apportioned by the State Inspector between the State and the municipality thus affected by the examination, and separate expense vouchers shall be rendered against the State and against such municipality, as herein provided. If any examination referred to in this section is made by the State Inspector or either Assistant State Inspector, only the necessary expenses incurred by the examining officer in making such examination shall become a charge against and be paid by the municipality for whose benefit the examination is made; no per diem or other service charges of such examining officer shall be included in such expense account. In such cases as are not otherwise provided for in this act, any expense of the Department of Uniform Accounting and Inspection, or of its officers or employes, shall be paid out of the State Treasury in the same manner as the expenses of the State Inspector have heretofore been paid.

BONDS REQUIRED.

§ 17. The officers and examiners provided for by this act shall each give bond for the faithful performance of his duties hereunder as follows: The State Inspector and Assistant State Inspectors in the sum of ten thousand dollars each, to be approved by the Governor; and each Field Examiner in the sum of three thousand dollars, the same to be approved by the State Inspector.

COLLECTION OF DELINQUENT REVENUES, ETC.—PENALTY FOR EXAMINING OFFICER FAILING TO PAY OVER.

§ 18. The State Inspector, and such of the Assistant State Inspectors and Field Examiners to whom he may delegate in writing the authority so to do, shall have the authority and power to collect any public funds or revenues, and to receive any public property found, upon examination made hereunder, to be due, or belonging to the State, or any municipality or to any public officer or other person; and any officer or employe of the Department of Uniform Accounting and Inspection, making any such collection, or so receiving such property, shall promptly pay over or deliver to the officer or department of the State or municipality, or to any person entitled thereto, such public revenues, funds, or property, and shall take and file in the office of the State Inspector the receipt of such receiving officer or department. And any officers or employes of the Department of Uniform Accounting and Inspection, making any collection of public revenues or funds, or receiving the custody of any public property, who fails to pay over and deliver same to the proper officer, department, or person, shall be liable on his official bond therefor, recoverable in the Franklin Circuit Court, at the suit of the State, municipality, officer or person to whom such payment or delivery should have been made; and, in addition, he shall be deemed guilty of embezzlement, and, upon conviction, shall be punished by confinement in the penitentiary not less than one nor more than ten years.

BRIBE—OFFER OR ACCEPTANCE—PENALTY.

§ 19. If any person shall give or offer to any State Inspector, Assistant State Inspector, Field Examiner, clerk or other employe of the Department of Uniform Accounting and Inspection, any money, gift, emolument, compensation or thing of value, in order to influence the action of such officer or employe in any matter pending in said

department or in the matter of the examination of any public matter or account, or for the purpose of preventing or delaying the examination of any public account, or for the purpose of influencing the action of such officer in framing, changing, withholding or delaying any report of any examination of any public account or matter, such offending person shall, upon conviction therefor, be fined in any sum not more than five thousand dollars, or shall be imprisoned in the State penitentiary at hard labor for not less than one nor more than five years, or both, in the discretion of the jury; and any State Inspector, Assistant State Inspector, Field Examiner, clerk or other employe of the Department of Uniform Accounting and Inspection who shall receive or solicit any money, gift, emolument, compensation or thing of value for the purpose of being influenced in any matter pending in said department, or in the matter of the examination of any public account or matter, or for the purpose of being influenced to prevent or delay the examination of any public account or matter, or for the purpose of being influenced to change, delay, or withhold any report of the examination of any public account or matter, shall on conviction thereof, be fined not more than five thousand dollars, or shall be imprisoned in the State penitentiary not less than one year nor more than five years, or both so fined and imprisoned, in the discretion of the jury. For the purpose of this section, the term "public account or matter" shall be construed to extend to, include and mean any kind of transaction or matter the examination of which is provided for in this act.

BOOK—RECORD AND FORMS—COPYRIGHTS.

§ 20. No system of uniform bookkeeping or accounting or any book, record, or form which may hereafter be adopted under this act or any amendment thereto, shall be copyrighted unless it shall be deemed advisable by the State Inspector that a copyright be procured in the name of the State; and if any such copyright shall be procured, the acceptance of the State, or by any municipality within the State, of any bid for printed books or supplies of any sort shall operate as a

license from the State to the successful bidder to manufacture any such copyrighted books, records, or forms included in such bid for public use, without payment of royalty.

OFFICERS—DUTIES AS TO BOOKS, ETC—PENALTIES.

§ 21. It is hereby made the duty of the various officers of the State, and of its institutions and municipalities, to adopt and use the books, forms, records, and systems of accounting and reporting that shall be prescribed by the State Inspector, when directed so to do by him. And all forms, books and records necessary thereto shall be purchased by said officers and paid for in the manner now provided by law. Any officer or person who shall refuse to provide such books, forms, or records, when under this act, it is his duty so to provide them, or who shall fail or refuse to use them when, under this act, he is required to use them, or who shall fail or refuse to keep the accounts of his office as directed by the State Inspector agreeably to the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction shall be fined not less than one hundred, nor more than one thousand dollars, and such conviction shall work a forfeiture of his office.

FISCAL YEAR.

§ 22. The fiscal year of every office, department, and institution of the State, or of any municipality within the State, shall hereafter be the same as the fiscal year for the State of Kentucky; that is to say, same shall begin on July 1st, and end on June 30th; and every office, institution, or department of the State, or of any municipality within the State, shall, on July 1st next after this act becomes effective, begin its first fiscal year agreeably to the provisions of this section; and it is hereby made the duty of all officers and persons in charge of any public office, institution, or department within the State of Kentucky to

thereafter conform to the provisions of this act; and upon any failure so to do the officer or person so offending shall be deemed guilty of a misdemeanor, and shall be punished as provided for by Section 25 of this act.

SEAL OF STATE INSPECTOR.

§ 23. The State Inspector shall keep a seal which, in addition to a suitable design, to be prescribed by him, shall bear the following words: "Department of Uniform Accounting and Inspection for Kentucky."

JURISDICTION.

§ 24. Jurisdiction of the criminal and civil proceedings contemplated and provided for by this act shall vest in such courts as now, or may hereafter have, by law, jurisdiction to hear and determine similar matters.

PUNISHMENT NOT OTHERWISE PROVIDED FOR.

§ 25. On the failure of any public officer or of any person to discharge any duty required of him by any provision of this act, where punishment is not already herein or otherwise provided for by law, such officer or person guilty of such failure shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not less than one hundred, nor more than one thousand dollars.

DEFINITIONS.

§ 26. The term "municipality," as used in this act, shall be construed to extend to, include and mean any county, city, town, school district, or other taxing district, subdivision, or unit within the State. The term "public office," as used in this act, shall be construed to extend to, include, and mean the office of any and every person who, for

and on behalf of the State, or any municipality or any public service industry, holds, receives, disburses, or keeps the accounts of receipts and disbursements of any public fund. The term "public officer," as used in this act, shall be construed to extend to, include, and mean any person who holds, receives, disburses, or is required by law to keep any account of public funds. The term "public institution," as used in this act, shall be construed to extend to, include and mean any institution or public service industry maintained in whole or in part at public expense. or supported in whole or in part by appropriations of public funds, or by taxation. The term "public service industries" as used in this act shall be construed to extend to, include, and mean any and all public service industries owned either directly by the State, or by any municipality, or to the support of which either the State, or any municipality contributes from public funds, or the capital stock of which the State or any municipality may be the owner of any part, or the bonds of which may be in whole or in part owned or guaranteed by the State or any municipality. The term "public department" as used in this act shall be construed to extend to, include, and mean any branch, department, or arm of any office or institution of the State, or of any municipality therein.

REPEAL.

§ 27. All laws and parts of laws in conflict with this act are hereby repealed to the extent of such conflict: Provided, however, that the provisions of this act shall not be construed to relieve any officer of any duties now required by law of him with relation to the auditing of public accounts, or the receipt or disbursement of public funds, or to the making of reports of the collection or disbursement of public moneys as now required by law; but the provisions of this act shall be construed to be supplementary to all existing provisions of law safeguarding the care and disbursement of public funds, and as supplementing the acts now in force in relation to the duties of the State Inspector and Examiner; and as in no wise repealing any of the provisions of those acts except when they may be in direct conflict with the provisions of this act.

And, provided further, that the provisions of this act shall not be construed to limit or curtail the power of the Governor of the State, or of any other officer within the State, or of any court or fiscal authority to make, or cause to be made, examinations or investigations of any public office, department, or institution, or to require reports therefrom.

WHEN ACT IS OPERATIVE—EXAMINATIONS.

§ 28. The uniform system of accounting, reporting, and inspection provided for by this act shall be installed and inaugurated, as far as possible, in all of the offices, institutions, and departments referred to in this act at the beginning of the next fiscal year of the State, June 30th, subsequent to the taking effect of this act. The examinations provided for in this act under the authority of the State Inspector shall extend back to the beginning of the current term of each officer whose accounts or affairs may be examined, and not less than one year back in the case of all departments and institutions of the State, or of any municipality, which are, under this act, made the subject of examination. However, the State Inspector may extend such examinations further back if he believes such action is advisable. Where examinations have already been made by the State Inspector and Examiner under the law as heretofore existing, no further examination shall be required under this act for twelve months after the act becomes effective, unless the State Inspector deems examinations to be advisable.

Sundry amendments were proposed to said bill.

Mr. Klair moved that the furtheer consideration of said bill be postponed indefinitely.

Said motion was agreed to.

The yeas and nays being required thereon by Messers. Shanks and Klair, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	H. C. Duffy,	J. W. Perry,
J. W. Berkshire,	G. G. Frazier,	John C. Pirtle,
P. W. Berkshire,	Chas. W. Fulton,	W. F. Pitman,
Eli Berry,	F. E. Graves,	A. H. Points,
J. O. Bogie,	Hite Huffaker,	J. F. Porter,
O. Houston Brooks,	R. Dillard Hunter,	L. R. Ray,
L. H. Carter,	W. T. Kenton,	Geo. W. Reid,
W. G. Caudill,	O. M. Kelsey,	G. T. Reynolds,
J. P. Chinn,	Wm. F. Klair,	J. F. Richardson,
Henry Chunn,	J. H. Lackey,	J. T. Riherd,
Sidney G. Clay,	John M. Letterle,	S. C. Roberts,
J. R. Claypool,	Hugh Mahin,	Sam'l L. Robertson,
Z. A. Clore,	Don G. McVean,	H. A. Schoberth,
Z. T. Coleman,	Frank S. Moore,	S. A. Shanklin,
Peter J. Cosgrove,	R. H. Moss,	J. H. Williams,
S. F. Crabtree,	H. J. Meyers,	L. F. Withers,
W. L. Craig,	Ben E. Niles,	J. R. Zimmerman,

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Those who voted in the negative were—

W. D. Allbright,	Samuel D. Hines,	Farris Roberts, Jr.,
T. M. Bertram,	John W. Holland,	S. M. Russell,
J. M. Blair,	W. G. Keen,	W. H. Shanks,
Frank J. Brown,	H. L. Lewis,	W. Logan Shearer,
J. T. Buford,	L. C. Littrell,	W. H. Southall, Jr.,
S. M. Carson,	J. H. McWaters,	J. J. Taylor,
M. G. Colson,	L. C. Owings,	E. E. Trivette,
Albert J. Counts,	S. P. Parks,	J. W. Turner,
W. B. Creekmore,	C. C. Patrick,	Geo. C. Waggoner,
Wm. S. Dean,	G. H. Plitt,	Edward A. Weber,
L. H. Francis,	W. A. Price,	W. F. Welch,
Robt. L. Harris,	R. A. Read,	W. R. Whitlow.
L. B. Herrington,	H. T. Rich,	

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Mr. Klair moved to reconsider the vote by which the consideration of said bill was postponed indefinitely and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 119. An act creating a State Board of Law Examiners prescribing their powers and duties and regulating the issual of licenses to attorneys-at-law.

Together with an amendment proposed thereto by the Committee on Circuit Courts.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person applying for admission to practice as an attorney-at-law in this State may be licensed as herein prescribed, and not otherwise.

§ 2. A State Board of Law Examiners is hereby created, which shall consist of three members, each of whom shall be an attorney-at-law and possess the qualifications of a Circuit Judge. The members of said board shall be elected for a term of one year by the Judges of the Court of Appeals during the first term of said Court held in each year. No member of the State Board shall receive in his office students preparing for examination before said board or be connected with the faculty or governing body of any law school.

§ 3. All applicants for license as attorneys-at-law must have attained the age of twenty-one years, and have acquired an education equivalent to that prescribed for graduation from a County High

School. The Court of Appeals shall adopt such rules and regulations relating to the qualifications of applicants, the course of studies to be pursued by them, and the standard of acquirement to entitle them to license, and shall fix the times and places of holding said examinations.

§ 4. Every applicant for license hereunder shall, prior to being examined as herein directed, procure from the County Judge of the county of his residence a certificate that he is a person of honesty, probity and good moral character, and shall file said certificate with the clerk of the Court of Appeals, and shall at the same time pay to said clerk a fee of ten dollars, which shall be covered into the treasury.

§ 5. All examinations shall be in writing and conducted in the presence of a majorty of the board. All answers shall be graded by said board, who shall certify said grades in writing and file the certificates thereof, together with the examination papers, in the office of the Clerk of the Court of Appeals, who shall thereupon deliver the same to the Chief Justice. The Chief Justice shall issue license to all applicants whose general average on the entire examination shall be seventy-five per cent and who shall possess the other qualifications required by law.

§ 6. The Court of Appeals may grant license to any applicant who shall produce to the Court satisfactory evidence that he has been granted license as an attorney-at-law and has been engaged in the active practice of law in some other State or country continuously for a period of not less than five years.

§ 7. Said Board of Law Examiners may adopt such rules, regulations and forms relating to holding and conducting its meetings and said examinations as they may deem necessary.

§ 8. The members of the board shall receive their necessary expenses and such compensation as the Court of Appeals may by

order direct: *Provided, however,* That the total amount allowed for their salaries and expenses shall not exceed the amount of fees received from applicants during their terms.

Said amendment is as follows:

Amend Section 2 by adding after the words "Circuit Judge" in lines 3 and 4, the words "except as to age— which shall be thirty years of age."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title, and as amended was placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Eli Berry,	L. B. Herrington,	C. C. Patrick,
O. Houston Brooks,	Hite Huffaker,	W. A. Price,
J. T. Buford,	R. Dillard Hunter,	Geo. W. Reid,
S. M. Carson,	W. G. Keen,	S. M. Russell,
W. G. Caudill,	Wm. F. Klair,	H. A. Schoberth,
Henry Chunn,	John M. Letterle,	W. Logan Shearer,
Sidney G. Clay,	L. C. Littrell,	W. H. Southall, Jr.,
J. R. Claypool,	J. H. McWaters,	John S. Steers,
M. G. Colson,	Don G. McVean,	J. W. Turner,
Peter J. Cosgrove,	R. H. Moss,	W. R. Whitlow,
C. F. Crecelius,	S. P. Parks,	L. F. Withers,
Chas. W. Fulton,		

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Those who voted in the negative were—

R. H. Akin,	F. E. Graves,	J. F. Porter,
W. D. Allbright,	Robt. L. Harris,	L. R. Ray,
J. W. Berkshire,	Robt. C. Hill,	G. T. Reynolds,
P. W. Berkshire,	John W. Holland,	H. T. Rich,
T. M. Bertram,	S. B. Johnson,	J. F. Richardson,
Frank J. Brown,	O. M. Kelsey,	J. T. Riherd,
L. H. Carter,	J. H. Lackey,	Farris Roberts, Jr.,
Z. A. Clore,	H. L. Lewis,	S. C. Roberts,
Z. T. Coleman,	Hugh Mahin,	Samuel L. Robertson,
Albert J. Counts,	L. C. Owings,	S. A. Shanklin,
S. F. Crabtree,	J. W. Perry,	J. J. Taylor,
W. L. Craig,	W. F. Pitman,	Geo. C. Waggoner,
H. C. Duffy,	G. H. Plitt,	Edward A. Weber,
L. H. Francis,	Marion F. Pogue,	W. F. Welch,
G. G. Frazier,	A. H. Points,	J. H. Williams.
H. T. Gartin,		—46

And so said bill was disagreed to.

Mr. Holland moved to reconsider the vote by which said bill was disagreed to, and that said motion lie on the table.

And then the House adjourned until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

At 3:30 o'clock p. m.

The House met pursuant to adjournment.

Mr. Klair moved that when the House adjourn this afternoon it be to meet to-night at 7:30 o'clock.

Said motion was agreed to.

Mr. Klair moved to reconsider the vote by which the House agreed to meet at 7:30 o'clock, and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 68. An act to provide for the investment of the capital stock and accumulation of insurance companies.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 625 of the Kentucky Statutes, relating to the investment of capital stock and accumulations of insurance companies, be, and it is hereby, amended so as to read as follows, to-wit:

§ 625. *Investment of capital stock and accumulations.* The capital stock and accumulations of all insurance incorporations may be invested in bonds and mortgages, lien notes or deeds of trust on unencumbered real estate, worth fifty percent more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured, and the policy transferred to said company, and continued in force so long as the loan continues, and also in the bonds of this State and of other States of the United States, or in the bonds of the United States, and, also, in the bonds of any county, city, town township or school district, of this State or other States of the United States, authorized to be issued by the Legislature thereof, and also in the stocks of incorporated State banks and trust companies, and of National banks of this State and other States of the United States, and of incorporated insurance companies of this State or other States of the United States, and in the bonds of railroads of this State and other States of the United States, and in the bonds or stocks of any bridge, water, street

railroad, traction, gas or electric corporations of this State, or of other States of the United States, which shall have a market value of not more than twenty per cent. below par, and to lend the same, or any part thereof, on the security of such bonds and stocks, or of bonds and mortgages and deeds of trust as aforesaid, or upon the security of their own policies; and to change and reinvest the same as occasion may from time to time require; and in all investments made upon mortgage securities the evidence of the debt and the value of the property shall accompany the mortgage. No insurance company shall own more than one-third of the capital of any bank, nor invest in, nor loan on, the stocks and bonds, both included, of any one railroad company, more than one-seventh of its capital stock and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-half of its capital and accumulated funds, nor invest in nor loan on the stocks and bonds, both included, of any one street railroad or traction corporation more than one-seventh of its own capital stock and accumulated funds, nor in the aggregate shall the investment in and loan on all street railroad and traction property exceed one half of its capital and accumulated funds, nor shall the loans on mortgage of real estate, exclusive of lien notes, exceed three-fourths of the capital and accumulated funds of any company organized under the laws of this Commonwealth.

Insurance companies chartered by this State, and now doing business, shall not be compelled to change any investment heretofore legally made.

Mr. S. B. Roberts offered the following amendment to said bill:

Amend Section 1 by inserting the words "nor other insurance companies," after the word "bank" in line 29.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
Victor A. Bradley,
O. Houston Brooks,
Frank J. Brown,
S. M. Carson,
W. G. Caudill,
Henry Chunn,
Sidney G. Clay,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
John W. Holland,
S. B. Johnson,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
A. H. Points,
J. F. Porter,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
L. F. Withers,

—75

Those who voted in the negative were—

L. H. Francis, L. R. Ray, J. R. Zimmerman,

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 31. An act giving power to certain counties to supplement the salaries of certain public officers and to ratify their action in respect thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Fiscal Court of each county wherein there is a Circuit Court having six or more Judges shall have power and authority to supplement the salary paid said Circuit Judges and the Commonwealth's Attorney by making to each of them an allowance out of the revenues of the county.

§ 2. That any action heretofore taken by any such Fiscal Court be and it is hereby ratified and made valid.

§ 3. That in view of the fact that it will be the duty of the Fiscal Court to fix the amount of revenue to be raised, there is an emergency declared, and this act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	John W. Holland,	Geo. W. Reid,
J. W. Berkshire,	Hite Huffaker,	G. T. Reynolds,
Eli Berry,	S. B. Johnson,	H. T. Rich,
Frank J. Brown,	W. T. Kenton,	J. F. Richardson,
J. T. Buford,	O. M. Kelsey,	J. T. Riherd,
S. M. Carson,	Wm. F. Klair,	S. C. Roberts,
L. H. Carter,	J. H. Lackey,	Samuel L. Robertson,
J. P. Chinn,	John M. Letterle,	S. M. Russell,
Henry Chunn,	L. C. Littrell,	H. A. Schoberth,
J. R. Claypool,	J. H. McWaters,	S. A. Shanklin,
Z. T. Coleman,	Don G. McVean,	W. H. Shanks,
M. G. Colson,	R. H. Moss,	W. Logan Shearer,
Albert J. Counts,	H. J. Meyers,	W. H. Southall, Jr.,
Peter J. Cosgrove,	L. C. Owings,	John S. Steers,
C. F. Crecelius,	S. P. Parks,	J. J. Taylor,
W. B. Creekmore,	C. C. Patrick,	E. E. Trivette,
H. C. Duffy,	J. W. Perry,	Geo. C. Waggoner,
G. G. Frazier,	W. V. Perry,	Edward A. Weber,
Chas. W. Fulton,	W. F. Pitman,	W. R. Whitlow,
H. T. Gartin,	A. H. Points,	J. H. Williams,
F. E. Graves,	J. F. Porter,	L. F. Withers,
Robt. L. Harris,	W. A. Price,	J. R. Zimmerman,
Samuel D. Hines,	L. R. Ray,	—67

Resolved that the title thereof be as aforesaid.

Mr. Russell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 199. An act authorizing the Secretary of the State to appoint Examiners for State banking institutions, trust companies, building and loan associations, savings and loan societies or associations, combined bank and trust companies, and defining their duties, and that of the Secretary of State, and providing compensation for said duties.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Secretary of the State is authorized to designate not less than four nor more than six persons who shall be known as "Bank Examiners," but such persons so designated shall be entitled to qualify as such examiners, as hereinafter required, only when their respective appointments have first been advised and consented to by the Court of Appeals, by a vote of the members of said Court, entered upon the order book of said Court. No person shall be eligible as a Bank Examiner who has not had at least three years experience in the banking business. Said Bank Examiners shall hold offices for a term of four years, respectively, from the first day of July, 1910, and until their successors are appointed and qualified.

§ 2. That each State Bank, Trust Company, Building and Loan Association, Savings Bank, Safe Deposit and Trust Company, Savings and Loan Society or Association, Investment Company, Combined

Bank and Trust Company, and every other character of State Banks, organized and doing business under the laws of this State, or which may hereafter organize, shall be examined at least twice each year, in the presence of one or more of its officers. No information obtained by such Examiners and communicated by them to the Secretary of State shall be made public or used for any purpose against the interests of said institutions or their wards, patrons or depositors, unless it shall be found that said institutions are in an unsound and unsafe condition and that such publication is necessary for the protection of the public or those doing business with them. Examiners shall take the constitutional oath and shall have power to make a thorough examination of the cash, bills, collaterals and securities, books of accounts and all other papers and books pertaining to the business; to examine under oath any of its officers, directors, employes, and shall without delay, make a full and complete report of the conditions thereof to the Secretary of State and said Examiners shall have the power to administer oath required in making said examinations.

§ 3. It shall be the duty of the officers of any such Corporations, Companies, Societies or Associations required to be examined under the provisions of this act, to submit their books, bills, cash, collaterals and other papers to the duly appointed Examiner, and upon their refusal to do so, the Secretary of State is hereby authorized, upon the advice of the Attorney-General in writing so to do, to apply to the Circuit Court of the county in which such Corporation, Company, Society or Association is situated, or to the Judge of such Court, for the appointment of a Receiver to take charge of such Institution until the examination as herein contemplated has been completed. Such actions shall be maintained in the name of the Secretary of State as plaintiff, against such officers and such Corporations, Companies, Societies or Associations as defendants, and such Receiver so appointed shall be required to give bond for the faithful discharge of his duties, in a sum to be determined by the Court making the appointment; and if upon examination said institutions so examined under said receivership are found to be solvent, then immediately upon completion of

said examination and transmission of report to the Secretary of State, he shall cause the action to be dismissed and any institution so examined restored to its officers, but all costs, including fees that may be allowed by the Court shall be paid by such officers, who are in default, as aforesaid.

§ 4. Examiners shall not impart any information obtained by them in the course of examination, except to the officers of the institution being examined. Any violation of this section by an Examiner shall be the cause of his removal by the Secretary of State.

§ 5. That the Secretary of State shall remove Examiners for incompetency or neglect of duty; and vacancies occurring in the office of Bank Examiners shall be filled in the same manner as prescribed by Section 1 of this act.

§ 6. No. Bank Examiner shall examine any bank in which he is interested as a stockholder, officer, director or borrower.

§ 7. That the examination required to be made under this act shall be made without previous notice to the Corporation, Company, Society or Association examined.

§ 8. That no person in the employ of the Secretary of State as Clerk, Bank Examiner, or otherwise, shall be appointed Receiver of any Corporation, Society or Association that is subject to examination under the provisions of this act.

§ 9. That each Examiner shall give bond in the penal sum of ten thousand dolllars with security to the Commonwealth of Kentucky, conditioned for the faithful discharge of duty and the Secretary of State shall give bond in the penal sum of twenty thousand dollars, conditioned for the faithful discharge of his duties under this act.

§ 10. That there shall be paid to the Secretary of State annually one thousand two hundred dollars and his necessary traveling expenses, when making personal examinations or superintending the examina-

tions by Examiners, out of the State Treasury, for the services to be rendered by him under and pursuant to the provisions of this act, and there shall be paid to each Examiner an annual salary of two thousand dollars and necessary traveling and other expenses incident to their work, the salary and expenses to be paid out of the General Expenditure Fund of the State Treasury. The Auditor of Public Accounts shall draw his warrant upon the Treasurer for salaries and expenses, when approved by the Secretary of State, in the same manner as other State Officials are paid. The Secretary of State shall make biennial reports to the General Assembly, showing the receipts and expenditures of the Banking Department, number of institutions examined, and such other information in relation to said examination as in his judgement may seem useful. No account or claim for traveling or other expenses of said Examiners shall be audited, allowed or paid, unless same is itemized and is proven by the affidavit of such Examiners.

§ 11. Any Bank or Association within the meaning of this act, being administered by Receiver or Assignee, shall be subject to the same examinations as solvent banks.

§ 12. For the purpose of reimbursing the State for money expended under this act, the Secretary of State shall assess, collect and turn into the State Treasury, from each State Bank, Trust Company, Investment Company, Savings Bank, Safe Deposits and Trust Company, Savings and Loan Society or Association, Combined Bank and Trust Company, Building and Loan Company of Association, and every other character of State Banks, a fixed sum for each examination as follows:

From those having capital stock of $15,000.00 and less than $25,000.00; $15.00; Those having capital stock of $25,000.00 and less than $50.000.00, $25.00; those having capital stock of $50,000.00 and less than $100,000.00, $30.00; those having capital stock of $100,000.00 and less than $200,000.00, $35.00; those having capital stock of $200,000.00 and less than $300.000.00, $40.00; those having capital stock of $300,-

000.00 and less than $400,000.00, $45.00; those having capital stock of $400,000.00 and less than $500,000.00, $50.00; those having capital stock of $500,000.00 and less than $600,000.00, $60.00; those having capital stock of $600,000.00 and less than $700,000.00, $75.00; those having capital stock of $700,000.00 and less than $800,000.00, $100.00; those having capital stock of $800,000.00 and less than $900,000.00, $125.00; those having capital stock of $900,000.00 up to and including $1,000,000,00, $150.00; and those having capital stock of over $1,000,000.00 shall pay at the rate over and above the $150.00, of $10.00 per hundred thousand dollars for each $100,000.00 over and above the $1,000,000.00 capital stock, and provided, that where the words "capital stock" are used in this Section it shall be construed as meaning capital and surplus combined. Provided, that each Building and Loan Association or Society shall be assessed the sum of $15.00 for each examination and each Investment Company or Association shall be assessed the sum of $50.00 for each examination and provided that the Secretary of State may use any residue that may accrue under Chapter 32, Kentucky Statutes in carrying into execution the provisions of this act.

§ 13. That the Secretary of State shall furnish to each Bank Examiner a certificate of his appointment and qualifications, under the seal of his office, which certificate, until revoked, shall be conclusive evidence of the official status of such Examiner and he shall exhibit said certificate to the officers of each institution required by this act to be examined before he shall be entitled to make such examination.

§ 14. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Owings offered the following amendment to said bill, by way of substitute therefor.

Said substitute is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a department to be designated the "Department of Banking," and which shall be charged with the enforcement of all laws heretofore passed, or which may hereafter be passed relating to all Banks, Trust Companies, Savings Banks, Combined Banks, Combined Banks and Trust Companies organized and doing business under the laws of Kentucky.

§ 2. The chief officer of this Department shall be designated "Banking Commissioner of the Commonwealth of Kentucky." He shall be appointed as hereinafter provided, and shall hold his office for a term of four years and until his successor is elected and qualified. His term of office shall begin on April 1st, as hereinafter provided. He shall keep his office, which shall be provided and furnished by the State, at the seat of Government. He shall appoint a Deputy Banking Commissioner to enable him to discharge the duties of his office; the Deputy Banking Commissioner shall possess the power and perform any duties attached by law to the office of Banking Commissioner of the Commonwealth of Kentucky, and during a vacancy in said office, or during the absence or inability of the Banking Commissioner to serve, the said Deputy shall act as Commissioner.

§ 3. The office of State Bank Examiner is hereby created, which office shall be appointed by and be under the control and supervision of the Banking Commissioner. The first Banking Commissioner appointed under this act shall during the month of March after his own appointment and qualification appoint three competent and suitable persons as State Bank Examiners, whose term of office shall begin on the first day of April, 1910, and the term of office of one of whom shall be two years from April the 1st, 1910, and the term of the remaining two shall be for four years from April the 1st, 1810. Thereafter the Banking Commissioner shall biennially, and during the

month of March, appoint one or two State Bank Examiners, as the case may be, as successor or successors to the Examiner or Examiners, whose term of office is then expiring. The full term of office of every State Bank Examiner so thereafter appointed shall be for four years, and shall begin on the first day of April succeeding his appointment, and they shall not all be members of the same political party. They shall be residents and citizens of the Commonwealth of Kentucky.

The Banking Commissioner shall fill all vacancies in all offices appointive by him. Every incoming Banking Commissionner appointed for a full term shall appoint his Deputy Banking Commissioner, and the two State Bank Examiners, whose terms begin on April the 1st, succeeding his own appointment and qualification.

§ 4. Every State Bank, Trust Company, Savings Bank, Combined Bank, Combined Bank and Trust Company, organized and doing business under the laws of this State shall be subject to the inspection and supervision of the Banking Commissioner. Said Commissioner shall either personally or by the Deputy Commissioner, or State Bank Examiner to be appointed by him, visit and examine every Bank, Trust Company, Combined Bank, Combined Bank and Trust Company and every Savings Bank at least once in every year. On such examination inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the action of its Directors, the investment of its funds, the safety and prudence of its management, the security afforded those by whom its engagements are held, and whether the requirements of its charter and of the laws of this State have been complied with in the administeration of its affairs, and as to such other matters as the Commissioner may prescribe. He shall have power in like manner to examine any such corporation whenever in his judgement its condition and management is such as to render an examination of its affairs necessary and expedient.

He shall also have power to examine, or cause to be examined, every agency located in this State of any foreign bank or banking corporation for the purpose of ascertaining whether it has violated any law of this State, and for such other purposes, and as to such other matters as the Commissioner may prescribe.

The Banking Commissioner, the Deputy Commissioner and every State Bank Examiner shall have the power to administer an oath to any person whose testimony may be required on the examination of any such corporation above specified, or in the examination of any such agency of any foreign bank, or banking corporation, and to compel the appearance and attendance of any such person for the purpose of such examination. The result of all such examinations shall be reported in writing to the corporation examined, and also to the Department of Banking. Said examinations shall be in the presence of one or more of the officers of the corporation being examined. The officer conducting such examination shall not, under penalty of forfeiture of office, impart any information obtained by him during such examination, except so far as same may be necessary in the performance of his official duties as provided by law.

The Banking Commissioner shall prescribe from time to time the order in which said banking corporations shall be examined, but no such corporation shall be twice examined in succession by the same examiner, unless directed by the Commissioner.

§ 6. The Banking Commissioner may remove the Deputy Commissioner, or any State Bank Examiner, or other subordinate officer for incompetency, neglect of duty, or other good cause.

§ 7. No officer of any State Bank, Savings Bank, Trust Company, Combined Bank, or Combined Bank and Trust Company shall be eligible to hold the office of Banking Commissioner, Deputy Commissioner or State Bank Examiner, and if such officer becomes indebted to any such incorporation, or shall engage or become interested in the sale of securities as a business, or in the negotiation of loans for

others, his office shall, *ipso facto,* become vacant. The Cashier, Secretary, or Treasurer, as the case may be, of any such corporation, to which any of said officers may become indebted, shall give immediate notice thereof to the Attorney-General.

§ 8. Every State Bank, Trust Company, Savings Bank, Combined Bank, Combined Bank and Trust Company shall make to the Banking Commissioner not less than five reports during each year according to the form which may be prescribed by him, verified by the oath or affirmation of President or Cashier of such corporation, and attested by the signature of at least three of the Directors. Each such report shall exhibit in detail under appropriate heads the resources and liabilities of such corporation at the close of business on any past date by him specified, and shall be transmitted to the Banking Commissioner within five days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the Commissioner shall be published in a newspaper published in the place where such corporation is established. or if there is no newspaper in the place, then the one published nearest thereto, at the expense of the corporation; and such proof of publication shall be furnished as may be required by the Banking Commissioner.

The Banking Commissioner shall also have power to call for special reports from any such corporation whenever in his judgment the same are necessary in order to a full and complete knowledge of its condition.

§ 9. In addition to the reports required by the preceding section each of said corporations shall report to the Banking Commissioner within ten days after declaring any dividends, the amount of such dividend, and the amount of net earnings in excess of such dividend. Such report shall be attested by the oath of the President, Cashier or Secretary of the corporation.

§ 10. Every such corporation or person which fails to make and transmit, or to publish any report required under this act, shall be subject to a penalty of Sixty Dollars ($60.00) for each day after the period respectively therein mentioned that it delays to make and transmit its report or proof of publication. or to publish same. Whenever any such corporation or person delays or refuses to pay any penalty imposed under this law, the Banking Commissioner is hereby authorized to maintain an action in the name of the Commonwealth against the delinquent corporation or person for the recovery of such penalty, in the Franklin Circuit Court, and all sums collected by such action shall be paid into the State Treasury and placed to the credit of the Banking Department.

§ 11. The Banking Commissioner is vested with authority to adopt such rules, regulations and forms for the Department of Banking as he may consider necessary and proper, and shall call for such reports as to the condition of any and all such corporations which are subject to his examination, as he may regard best. He shall have power on proper legal cause to institute proceedings to place any Bank, Trust Company, Savings Bank, Combined Bank, or Combined Bank and Trust Company, or any institution which is subject to an examination and inspection under this law, in the hands of a receiver.

§ 12. The Banking Commissioner shall examine or cause to be examined such banking corporation, which may hereafter be placed in the hands of a receiver, once in every six months until its affairs shall be wound up, and a copy of such examination shall be filed with the Clerk of the Circuit Court in the county where such bank is located. Receivers of such insolvent banks shall make reports to the Banking Commission in the same manner as is required of other banks, and shall cause such statements to be published in like manner. Any such receiver of any insolvent bank, who shall fail to comply with the provisions of this section, or who shall neglect or refuse to submit the affairs of such bank to an examination as provided by law, or who

shall violate any of the provisions of this act relating to the examination of banks, shall be subject to the same penalties provided for solvent banks and officers so offending.

§ 13. Whenever any such corporation shall refuse to submit its books, papers and assets for examination as provided under this act, or refuse to be examined on oath touching the concerns of such corporation, or shall fail for a period of 30 days to make, transmit or publish reports as required by law, the Banking Commissioner may through the Attorney-General institute proceedings for the appointment of a receiver for any such corporation to wind up its business.

§ 14. Any such banking corporation organized under the laws of this State and subject to the provisions of this act, may place its affairs and assets under the control of the Banking Commissioner by posting a notice on the front door as follows: "This bank is in the hands of the Banking Commission," and which notice must be signed by a majority of the directors in their own handwriting. The posting of such notice, or the taking possession of any bank by the Banking Commissioner, shall be sufficient to place all its assets and property of whatever nature in the possession of the Banking Commissioner.

§ 15. If upon examination made as provided by this act it shall appear that any such corporation is insolvent, or that its capital stock has become impaired, and is permitted to remain impaired beyond the period allowed by law, or that it has violated any of the provisions of the law under which it was organized, it shall be the duty of the Banking Commissioner to immediately take charge of such bank and all property and effects thereof. Upon taking charge of any bank the Commissioner shall as soon as possible ascertain by proper examination into its affairs its actual condition, and whenever he shall become satisfied that such bank cannot resume business or liquidate its indebtedness to the satisfaction of all creditors, including its shareholders, he shall report the same to the Attorney-General, who shall apply in the name of the Banking Commissioner of the Commonwealth of Kentucky to the Circuit Court, or Judge thereof in vacation, of

the county in which the bank or corporation is located, for the appointment of a receiver, who under the direction of the court or Judge, shall take possession of the books, papers and assets of every description, and all business of the bank or corporation, and collect all collectable debts and demands, and sell or compound under the order of the court all bad debts, and sell all the real and personal property of the bank or corporation on such terms as the court may direct. The receiver shall give bond with good security to be approved by the court, or Judge thereof.

§ 16. The Banking Commissioner shall make to the Governor annual reports and which shall be published. Such report shall set forth:

First, a summary of the condition of every State Bank, Trust Company, Savings Bank, Combined Bank, Combined Bank & Trust Company or banking corporation organized and doing business under the laws of this State, subject to examination and inspection under this act, from which reports have been received in response to the last call made by him preceding his annual report, and such other information in relation to said banks as in his judgment may be useful.

Second, a statement of such corporations, whose business has been closed during the year, that had failed or voluntarily retired during the year.

Third, any amendment to the laws relating to banking by which the system in his judgment may be improved, and the security of depositors and other creditors may be increased.

Fourth, the names and compensation of his assistants and clerks employed in his office, and the whole amount of the expenses of the banking department during the year; also the amount collected from the banks for the examinations made during the year, and all fees collected from such corporations. The annual report shall be made on the 30th day of June of each year.

§ 17. Whenever it shall appear that the capital stock of any State Bank, Trust Company, Savings Bank, Combined Bank, Combined Bank & Trust Company has been impaired over 10 per cent, the Banking Commissioner shall notify such corporation to make such impairment good within thirty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the Banking Commissioner to immediately call a special meeting of its stockholders for the purpose of making assessments on its stock sufficient to cover the impairment of its capital, payable in cash; provided that such bank may reduce its capital to the extent of the impairment, if such reduction will not place its capital below the amount required by law.

§ 18. From and after April the 1st, 1910, all reports now required to be made by such banking corporations to the Secretary of State shall be made to the Banking Commissioner, and the powers and duties now conferred by law upon the Secretary of State with reference to all banking institutions shall terminate and said duties are imposed upon the Banking Commissioner, and his department as provided under this act. The same fees shall be paid for reports made to the Commissioner of Banking as are now paid to the Secretary of State for like service.

§ 19. Every State Bank, Trust Company, Savings Bank, Combined Bank, Combined Bank & Trust Company shall for each examination transmit and pay to the Banking Commissioner immediately after each examination the following fees, viz:

For examining any of said institutions having a capital of fifteen thousand ($15,000) dollars, $15.00; those having a capital above fifteen thousand ($15,000) dollars and up to and including fifty thousand ($50,000) dollars, $20.00; those having a capital above fifty ($50,000) dollars and up to and including one hundred thousand ($100,000) dollars, $25.00; those having a capital above one hundred thousand ($100,000) dollars and up to and including two hundred thousand ($200,000) dollars, $30.00; those having a capital above two hundred

thousand ($200,000) dollars and up to and including three hundred and fifty thousand ($350,000) dollars, $35.00; those having a capital above three hundred and fifty thousand ($350,000) dollars and up to and including five hundred thousand ($500,000) dollars, $50.00; those having a capital above five hundred thousand ($500,000) dollars and up to and including six hundred thousand ($600,000) dollars, $60.00; those having capital above six hundred thousand ($600,000) dollars, $75.00, which amount shall be assessed by the Banking Commissioner and paid to him by the respective institutions so and as they are examined.

§ 20. The Governor of Kentucky shall, during the month of March, 1910, and every four years thereafter, appoint a Banking Commissioner under this act, whose term of office shall begin on the first day of April succeeding his appointment: Provided, however, that the Governor shall appoint said officer only from a list of three names submitted and recommended to him by the Kentucky State Bankers' Association or the Executive Committee of said Association as suitable persons to hold said office.

The Banking Commissioner shall qualify by executing a bond with good security in the penal sum of Fifty Thousand ($50,000) dollars for the faithful performance of his duties, and which bond shall be approved by the Governor, and he shall also take the oath of office prescribed by the Constitution and laws of this Commonwealth of officers for the faithful performance of their duties.

The Governor may for good cause remove the Banking Commissioner. He shall receive for his services the sum of $3,600.00 per year, payable monthly, out of the State Treasury.

§ 21. The term of office of the Deputy Banking Commissioner created under this act shall be for four years, and the first term of said office shall begin on the first day of April, 1910, and the person so appointed shall hold office until April the 1st, 1914, and until his

successor is appointed and qualified. The Deputy Commissioner shall be appointed by the incoming Commissioner, during the month of March for the succeeding term of four years.

The Deputy Banking Commissioner and each State Bank Examiner shall qualify by executing a bond with good surety in the penal sum of ten thousand ($10,000.00) dollars, to be approved by the Governor, and take the oaths required of officers by the Constitution and general laws of this Commonwealth.

The Banking Commissioner may, for good cause, remove his Deputy Commissioner, or any State Bank Examiner or other employe of his department. The Deputy Commissioner of Banking shall receive an annual salary of $3,000.00, and each Bank Examiner shall receive an annual salary of $2,000.00. Said salaries shall be payable monthly out of the State Treasury.

In addition to the salaries above provided, the Banking Commissioner, Deputy Commissioner and the State Bank Examiners shall be paid their actual, necessary traveling expenses when on official duty connected with the Department of Banking. Each officer shall render monthly to the Banking Commissioner and for his approval, an itemized account of all necessary traveling expenses, if any, incurred by him.

The Auditor of the State shall monthly on the requisition of the Banking Commissioner draw his warrants payable to the proper persons on the State Treasurer for all lawful salaries, traveling expenses as aforesaid, and necessary expenses of his department, and which shall be paid out of the State Treasury.

§ 22. The Banking Commissioner may employ competent Clerks or stenographers at an annual expense of not exceeding fifteen hundred ($1,500.00) dollars, payable monthly, and which shall be paid out of the State Treasury in the same manner as other officers of this department.

§ 23. It shall be the duty of the Attorney-General in the name of the Banking Commissioner of the Commonwealth of Kentucky to institute in the proper courts all suits seeking the appointment of receivers and the forfeiture of charters of all corporations included within the scope of this act.

§ 24. The Banking Commissioner shall each month pay into the State Treasury all fees and moneys collected by him, or in his department, and the same shall be put to the credit of the Banking Department.

He shall keep an itemized and accurate account of the receipts and expenses of the department, and shall publish with his report a summary of such account, and shall keep and preserve in a permanent form a full record of the acts and proceedings of the department.

§ 25. The Commissioner shall devise a seal with suitable inscription for the department, a description of which with a certificate of approval by the Governor, together with an impression thereof, shall be filed in the office of the Secretary of State, and which seal shall thereupon be and become the seal of the Department of Banking, and same may be renewed whenever necessary. Every paper executed by the Banking Commissioner or Deputy Commissioner relating to the business of banking, or in pursuance of authority conferred by law and sealed with said seal of office, shall be received as evidence, and all copies of papers in the office of said department certified by the Commissioner or the Deputy Commissioner and authenticated by the said seal, shall in all cases be evidence equally and in like manner with the original.

§ 26. All bonds required to be executed by the Commissioner, Deputy Commissioner and the State Bank Examiners shall be filed as part of the public records in the office of the State Auditor.

§ 27. All acts and parts of acts in conflict with this act are hereby repealed.

§ 28. Whereas, the public interests, as well as the interest of stockholders and depositors of State Banks, Trust Companies, Savings Banks, Combined Banks, Combined Banks & Trust Companies organized under the laws of this State, or doing business therein, other than national banks, require an examination and inspection under competent public authority, an emergency is therefore declared to exist, and this act shall take effect from and after its passage.

Mr. Owings offered the following amendments to said substitute, viz:

Amend Section 1 by adding, after the words "trust companies" in line 5 thereof, the following: "Building and loan associations safety deposit and trust companies, saving and loan societies or associations, and investment companies."

In Section 2, line 5, after the words "and qualify" add the following: "Except that the term of office of the first banking commissioner appointed under this act shall commence July 1, 1910, and end July 1, 1912.

In Section 3, commencing with line 4, strike out the following: "The Commissioner appointed under this act shall, during the month of March after his own appointment and qualification, appoint three competent and suitable persons as State Bank Examiners whose terms of office shall begin on the 1st day of April, 1910, and the term of office of one of whom shall be for two years from April 1, 1910, and the term of office of the remaining two shall be for four years from April 1, 1910," and in lieu thereof substitute the following: "The Commissioner appointed under this act shall, during the month of July, after his own appointment and qualification, shall appoint five competent and suitable persons as State Bank Examiners, whose terms of office shall be for four years, commencing on the first day of July, except that the term of the first Examiner appointed under this act shall commence with the first day of July, 1910, and end with the first day of July, 1912."

Strike out the word "therefore" in line 10 of said Section 3, and all of line eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen of said Section 3, and also in lines twenty-three, twenty-four and twenty-five, strike out the following: "And the two State Bank Examiners, whose terms begin on April the 1st, succeeding his own appointment and qualification," and substituting therefor the following: "And the five Bank Examiners whose terms begin on April the 1st, succeeding his own appointment and qualification."

Section 4, line two, after the words "trust company," add the following: "Building and loan associations, safety deposit and trust companies, savings and loan societies or associations, and investment companies."

In Section 7, line 2, after the words "trust companies," add the following: "Building and loan associations, safety deposit and trust companies, savings and loan societies or associations, and investment companies."

In Section 8, line 2, after the words "trust company," add the following: "Building and loan associations, safety deposit and trust companies, savings and loan societies or associations, and investment companies."

In Section 16, line 6, after the words "trust company," add the following: "Building and loan associations, safety deposit and trust companies, savings and loan societies or associations, and investment companies."

In Section 17, line 3, after the words "trust company," add the following: "Building and loan associations, safety deposit and trust companies, savings and loan societies or associations, and investment companies."

In Section 19, line 2, after the words "trust company," add the following: "Building and loan associations, safety deposit and trust companies, savings and loan societies or associations, and investment companies."

Strike out all of Section 20 and substitute therefor the following: "The Governor of Kentucky shall, during the month of June, 1910, appoint a Banking Commissioner under this act, whose term of office shall begin on the first day of July, 1910, and expire on the 31st day of June, 1912, and on the 1st day of July, 1912, the Governor of Kentucky shall appoint a Banking Commissioner under this act and every four years thereafter, the Governor of Kentucky shall appoint a Banking Commissioner under this act, whose term of office shall begin on the first day of July and end four years thereafter, provided that all offices appointed under this act either by the Governor, or by the Banking Commissioner shall be ratified and approved before said officer is qualified, by the Court of Appeals of this State. The Banking Commissioner shall qualify by executing a bond with good security in the penal sum of fifty thousand ($50,000) dollars, for the faithful performance of his duty, which bond shall be approved by the Governor, and he shall also take the oath of office required by the Constitution and laws of this Commonwealth of officers for the faithful performance of their duties. The Governor may for good cause remove the banking Commissioner. The Banking Commissioner shall receive for his services the sum of $2,500.00 per year, payable monthly out of the State Treasury."

Strike out all of Section 21, and in lieu thereof, substitute the following: "The term of office of the Deputy Commissioner created under this act shall be four years except the first Deputy Banking Commissioner, who shall serve only two years and the first term of said officer shall begin on the first day of July, 1910. The Deputy Commissioner shall be appointed by the incoming Commissioner during the month of July, for the succeeding four years, except that the first Deputy Commissioner shall be appointed for only two years. The Deputy Banking Commissioner and each State Bank Examiner shall qualify by executing bond with good surety in the penal sum of ten thousand ($10,000) dollars, to be approved by the Governor and take the oaths required of officers by the Constitution and general laws of this Commonwealth. The Banking Commissioner may for good cause remove his Deputy

Commissioner, or any State Bank Examiner, or other employe in his department. The Deputy Commissioner shall receive an annual salary of twenty-one hundred ($2,100) dollars, and each Banking Commissioner shall receive an annual salary of eighteen hundred ($1,800) dollars. Said salary shall be payable out of the State Treasury. In addition to the salaries above provided, the Banking Commissioner, Deputy Commissioner and State Bank Examiners shall be paid their actual, necessary traveling expenses, when on official duty connected with the Department of Banking. Each officer shall render monthly to the Banking Commissioner, and for his approval, an itemized account of all necessary traveling expenses, if any, incurred by him. The Auditor of the State shall, monthly, on the requisition of the Banking Commissioner, draw his warrants payable to the proper persons on the State Treasurer, for all the lawful salaries, traveling expenses, and necessary expenses of his department, which shall be paid out of the State Treasury.

After Section 26, add the following sections:

§ 27. All five of the reports to be made by the institutions named in this act to the State Banking Commissioner shall be made on the same date as the reports called for by the Comptroller of Currency on National Banks.

§ 28. No Examiner shall be permitted to examine the same bank twice in succession.

§ 29. In arriving at the cost of examination, and in making all assessments under this act, the words "capital and surplus" shall be construed to be both capital and surplus.

Change the number of Sections 27 and 28 in the original bill, so that the same will be numbered 30 and 31 respectively.

Mr. Klair moved that the House now resolve itself into a Committee of the Whole House for the purpose of considering said bill and amendments.

Said motion was disagreed to.

Mr. P. W. Berkshire moved that the further consideration of said bill and amendments be postponed, and that the same be made a special order of the day for to-morrow morning at 11 o'clock.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 92. An act regarding libel and the civil proceedings thereunder.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any civil action for libel, charging the publication of an erroneous statement, alleged to be libelous, it shall be relevant and competent evidence for either party to prove the fact that the plaintiff requested retraction or omitted to request retraction.

The defendant may also allege and give proof that the matter alleged to have been published, and to be libelous, was published without malice, and that the defendant in the next regular issue of the newspaper or publication, after receiving demand in writing or within seven days if no such demand is made to correct and to retract said statement, or in the next regular issue of the newspaper or publication did publish a sufficient correction, retraction, explanation or rectification, as conspicuously and publicly as that in which said alleged libelous statement was published in the same type and in the same place in at least two successive issues of the same periodical publication accompanied by editorials in which the alleged slander is specifically repudiated.

Upon proof of such facts, the plaintiff shall not be entitled to punitive damages; and the defendant shall be liable only to pay actual damages. And upon the publication of such correction, retraction, explanation or rectification, the defendant may plead same in mitigation of damages.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Mr. Southall offered the following amendment to said bill:

Amend by striking out the following words in lines eighteen, nineteen and twenty, to-wit: "Upon proof of such facts the plaintiff shall not be entitled to punitive damages and the defendant shall be liable only to pay actual damages."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Brooks and Southall were as follows, viz:

Those who voted in the affirmative were—

O. Houston Brooks,	F. E. Graves,	J. F. Porter,
Frank J. Brown,	W. T. Kenton,	W. A. Price,
J. T. Buford,	O. M. Kelsey,	L. R. Ray,
L. H. Carter,	J. H. Lackey,	G. T. Reynolds,
J. P. Chinn,	Ben E. Niles,	H. T. Rich,
Z. T. Coleman,	L. C. Owings,	J. F. Richardson,
W. L. Craig,	W. V. Perry,	W. H. Southall, Jr.,
Chas. W. Fulton,	John C. Pirtle,	J. H. Williams,
T. D. Graham,	A. H. Points,	J. R. Zimmerman,

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Those who voted in the negative were—

W. D. Allbright,	Robt. C. Hill,	R. A. Read,
J. W. Berkshire,	Samuel D. Hines,	Geo. W. Reid,
P. W. Berkshire,	John W. Holland,	J. T. Riherd,
Eli Berry,	Hite Huffaker,	S. C. Roberts,

T. M. Bertram,
J. M. Blair,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
M. G. Colson,
Peter J. Cosgrove,
W. B. Creekmore,
H. C. Duffy,
L. H. Francis,
H. T. Gartin,
Robt. L. Harris,
L. B. Herrington,
R. Dillard Hunter,
Wm. F. Klair,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
S. P. Parks,
W. F. Pitman,
G. H. Plitt,
Sam'l L. Robertson,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
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Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. M. Blair,
O. Houston Brooks,
J. T. Buford,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Robt. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
Wm. F. Klair,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,

M. G. Colson,	J. H. McWaters,	John S. Steers,
Albert J. Counts,	Don G. McVean,	J. J. Taylor,
Peter J. Cosgrove,	Frank S. Moore,	E. E. Trivette,
C. F. Crecelius,	R. H. Moss,	Geo. C. Waggoner,
W. B. Creekmore,	H. J. Meyers,	Edward A. Weber,
G. G. Frazier,	S. P. Parks,	W. R. Whitlow,
H. T. Gartin,	C. C. Patrick,	L. F. Withers,

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Those who voted in the negative were—

Frank J. Brown,	J. H. Lackey,	W. A. Price,
L. H. Carter,	Ben E. Niles,	L. R. Ray,
J. P. Chinn,	L. C. Owings,	H. T. Rich,
W. L. Craig,	W. V. Perry,	J. F. Richardson,
H. C. Duffy,	A. H. Points,	W. H. Southall, Jr.,
Chas. W. Fulton,	J. F. Porter,	J. H. Williams,

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Resolved that the title thereof be as aforesaid.

And then the House adjourned until 7:30 o'clock to-night.

NIGHT SESSION.

At 7:30 o'clock p. m.

The House met pursuant to adjournment.

A message was received from the Senate announcing that they had passed bills which originated in the House of Representatives of the following title:

H. B. 147. An act to amend and re-enact Section 20 of Chapter 65a of Kentucky Statutes, of 1903, to provide for the maintenance of

a House of Reform for boys, and a House of Reform for girls, and the inmates thereof, and to provide for the payment into the State Treasury of the revenue derived from said Houses of Reform.

H. B. 194. An act for the benefit of the three educational institutions, viz: State University, Eastern Kentucky State Normal School and Western Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment and providing additional revenues for the maintenance of the said institutions.

H. B. 49. An act to authorize the Chief Deputy or Assistant Assessor in counties having a population of forty thousand or over, and under seventy-five thousand, and providing for his compensation.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

S. B. 70. An act to amend an act entitled: "An act for the creation and regulation of private corporations, being an act relating to the subject of insurance and the transaction of the business of life or casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan.

S. B. 255. An act for the benefit of Joseph Morris.

Ordered that said bills be printed and referred to the Committee on Rules.

The Committee to which the same had been referred, reported bills of the following title::

By Mr. Klair of the Committee on Rules:

S. B. 284. An act authorizing transportation companies in this State to sell at public auction unclaimed articles not perishable in their possession after a period of six months, and case of freight that

is perishable and unclaimed, it may be sold as soon as it is deemed necessary and proper in order to protect the company, consignor and consignee.

By same:

S. B. 48. An act to amend Section 13, Chapter 221, acts of 1891, 1892 and 1893, entitled: "An act relating to Courts of Justice, approved June 10th, 1893."

By same:

S. B. 174. An act to provide for the warehousing of cottonseed and its products.

By same:

S. B. 305. An act empowering the State Fire Marshal and other officers, upon complaint, to enter buildings, or upon premises, for purposes of investigation, and demanding the correction of defects for the prevention of fires.

By same:

S. B. 204. An act to amend Section 32 of Article 2 of Chapter 108, entitled: "Revenue and Taxation," same being Section 4072 of Carroll's Kentucky Statutes.

By same:

S. B. 121. An act relating to public improvements in cities of second class.

By same:

S. B. 224. An act for the benefit of turnpike roads in this Commonwealth.

By same:

S. B. 201. An act to readjust and fix the salaries of Assistant Inspectors of Mines.

By same:

S. B. 347. An act providing and appropriating money for a contingent fund for the use of the Governor of this Commonwealth.

By same:

S. B. 211. An act to legalize slave marriages and the issue of same, in this State.

By same:

S. B. 193. An act to provide life saving apparatus for the Chief State Inspector of Mines and Assistant Inspector.

By same:

S. B. 206. An act to further regulate turnpikes and gravel roads.

By same:

S. B. 190. An act to limit the liability of members of the mutual or assessment fire insurance companies.

By same:

S. B. 217. An act to regulate the sale of certain agricultural seed.

S. B. 253. An act to amend Sub-section 1 of Section 3704, Chapter 89, of the Kentucky Statutes, complied by John D. Carroll as same appears in edition of 1909.

By same:

S. B. 301. An act creating the office of Assistant Commonwealth Attorney and District Detective to the Commonwealth Attorney in counties having cities of second class.

By same:

S. B. 241. An act defining motor vehicles, providing for registration of the same, and uniform rules regulating the use and speed thereof.

By same:

S. B. 345. An act to promote the project of improving water-ways of this Commonwealth and assisting the National Rivers and Harbors Congress in improving water-ways and appropriating money therefor.

By same:

S. B. 245. An act to amend and re-enact Sections 12 and 14 of Article 4, and Sections 10 and 14 of Article 8, of an act entitled: "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, being Sections 3069, 3071, 3183 and 3187, respectively, of Kentucky Statutes.

By same:

S. B. 246. An act to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3100, 3101 and 3102 of the Kentucky Statutes, relating to the control and improvement of streets, public ways, landings, wharves, grounds and sidewalks in cities of the Second Class.

Said bills were severally read the first time at length and ordered to be placed on the calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. R. 14. Resolution providing for the payment to Mrs. Sallie M. Hickman, the salary and perquisites George W. Hickman would have been entitled to as a member of the General Assembly of 1908.

Said resolution is as follows:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby authorized to draw his warrant on the Treasurer of the State, by order of the clerk of the Senate of Kentucky, in favor of Mrs. Sallie M. Hickman, widow of said Geo. W. Hickman, deceased, for $457.10 of which $62.10 is mileage, $40.00 stationery, and $355.00 as salary as Senator, and the amount of money that would have been due said deceased, had he lived and attended the regular session of the General Assembly of 1908 during the time of its sittings, and the same is to be paid out of any money not otherwise appropriated.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Wm. S. Dean,	W. A. Price,
W. D. Allbright,	H. C. Duffy,	L. R. Ray,
J. W. Berkshire,	Robt. L. Harris,	Geo. W. Reid,

P. W. Berkshire,
T. M. Bertram,
J. M. Blair,
J. T. Buford,
S. M. Carson,
L. H. Carter,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
C. F. Crecelius,
L. B. Herrington,
Samuel D. Hines,
R. Dillard Hunter,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
Geo. C. Waggoner,
Edward A. Weber,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

J. W. Perry,

Resolved that the title thereof be as aforesaid.

Mr. P. W. Berkshire moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 98. An act to amend an act entitled: "An act to create the Thirty-third Judicial District of Kentucky and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for holding of Courts in the said Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-third Districts and to provide the Judges and Commonwealth Attorneys for same."

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled: "An act to create the Thirty-third Judicial District of Kentucky and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for the holding of courts in the said Twenty-sixth, Twenty- seventh, Twenty-eighth and Thirty-third Districts, and to provide for Judges and Commonwealth's Attorneys for same, which was approved on the 21st day of February, 1906, and became a law and went into effect on the first day of July, 1906, be amended by striking from Section 3 of said act all of the ninth, tenth, eleventh, and twelfth grammatical paragraphs, which paragraphs fix the time for holding the courts in the Twenty-eighth District, and inserting in lieu thereof the following:

Twenty-eighth District.—Clinton County, at Albany, first Monday in December, and continue twelve juridical days; second Monday in April, and continue twelve juridical days; fourth Monday in June and continue twelve juridical days.

Wayne County, at Monticello, second Monday in November, and continue eighteen juridical days; third Monday in March, and continue twenty-four juridical days; first Monday in June, and continue eighteen juridical days.

Pulaski County, at Somerset, second Monday in September, and continue thirty-six juridical days; first Monday in February and continue thirty-six juridical days; first Monday in May, and continue twenty-four juridical days.

Rockcastle County, at Mt. Vernon, third Monday in August, and continue eighteen juridical days; first Mondy in January, and continue twenty-four juridical days; fourth Monday in April, and continue twelve juridical days.

§ 2. This act shall take effect and be in force from and after the first day of August, 1910.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Robt. C. Hill,	J. F. Porter,
W. D. Allbright,	Samuel D. Hines,	R. A. Read,
J. W. Berkshire,	R. Dillard Hunter,	Geo. W. Reid,
Eli Berry,	S. B. Johnson,	J. F. Richardson,
J. T. Buford,	W. G. Keen,	J. T. Riherd,
L. H. Carter,	O. M. Kelsey,	Farris Roberts, Jr.,
Henry Chunn,	Wm. F. Klair,	S. C. Roberts,
Sidney G. Clay,	Don G. McVean,	Sam'l L. Robertson,
J. R. Claypool,	R. H. Moss,	W. H. Shanks,
M. G. Colson,	H. J. Meyers,	W. Logan Shearer,
Albert J. Counts,	Ben E. Niles,	W. H. Southall, Jr.,
Peter J. Cosgrove,	W. H. Newell,	John S. Steers,
C. F. Crecelius,	L. C. Owings,	J. J. Taylor,
W. B. Creekmore,	C. C. Patrick,	Edward A. Weber,
Wm. S. Dean,	John C. Pirtle,	J. H. Williams,
Chas. W. Fulton,	W. F. Pitman,	L. F. Withers,
Robt. L. Harris,	Marion F. Pogue,	J. R. Zimmerman,
L. B. Herrington,	A. H. Points,	—53

Resolved that the title thereof be as aforesaid.

Mr. Colson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 90. An act to amend an act entitled: "An act concerning Juries, and entitled Juries," approved March 19, 1894.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled: "An act concerning juries, and entitled 'Juries'" approved March 19, 1894, being Section 2253 of the Kentucky Statutes, and Chapter 98 of the acts of the General Assembly of 1894, be, and is hereby amended as follows, viz: By inserting in Section 13 of said act, after the word "employment" and before the word "shall," the words "or any person more than sixty years of age," so that said Section, when amended, will read:

"Sec. 13. No person shall be a competent juryman for the trial of criminal, penal or civil cases in any court unless he be a citizen, at least twenty-one years of age, a housekeeper, sober, temperate, discreet and of good demeanor. No civil officer except notaries public and trustees of schools; no transient person, physician, surgeon, practicing attorney or minister of any religious society, cashier or teller of a bank, or those who may be supplying their places for the time, or attendant at an asylum, or retail druggist, pharmaceutist, undertaker, depot agent of a railroad, or telegraph operator in employment, or any person more than sixty years of age shall be compelled to serve on a petit jury; but the fact that a person not competent served on a jury shall not be cause for setting the verdict aside, nor shall exceptions be taken to any juror for such cause after the jury has been sworn."

§ 2. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 3. Whereas, it is considered that this act will relieve a hardship that now exists, an emergency is hereby declared to exist, and this act shall go into effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
J. T. Buford,
L. H. Carter,
Henry Chunn,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
Chas. W. Fulton,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
R. A. Read,
Geo. W. Reid,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
Edward A. Weber,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Klair moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 307. An act to amend an act entitled: "An Act to establish a Public School in Morganfield in Union County, Kentucky," approved April 19, 1886.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of an act, entitled: "An act to establish a public school in Morganfield, in Union County, Kentucky," approved April nineteenth, one thousand eight hundred and eighty-six, be, and the same is, so amended as to include in said public school district all lands of T. E. Taylor, consisting of one hundred and thirty acres, more or less, adjacent to the west side of said district, and being the lands conveyed to said T. E. Taylor by J. W. Givens on the eighth day of July, one thousand eight hundred and ninety-three, by deed recorded in Union county clerk's office in deed book forty-five at page two hundred and seventy-nine.

And the said act is further so amended as to include in said public school districts all the lands of Mrs. Laura Waller Norton, consisting of forty-four and a half acres, more or less, which are also adjacent to the west side of said district, and being the same lands conveyed to the said Laura Waller Norton by Mary S. Cargile on the twenty-sixth day of November, one thousand nine hundred and nine, by deed recorded in the same office in deed book sixty-five at page four hundred and fifteen,

And the said act is further so amended as to include in said public school district all the lands of John B. Buchanan, consisting of sixty acres, more or less, adjacent to the north-east side of said district, and being the same lands conveyed to the said John B. Buchanan by Lena Freels, &c., on the second day of March, one thousand nine hundred and one, by deed recorded in the same office in deed book fifty-five at page one hundred.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	C. F. Crecelius,	Don G. McVean,
W. D. Allbright,	Wm. S. Dean,	Frank S. Moore,
J. W. Berkshire,	H. C. Duffy,	H. J. Meyers,
P. W. Berkshire,	G. G. Frazier,	Ben E. Niles,
Eli Berry,	Chas. W. Fulton,	L. C. Owings,
T. M. Bertram,	H. T. Gartin,	John C. Pirtle,
J. M. Blair,	T. D. Graham,	W. F. Pitman,
J. O. Bogie,	F. E. Graves,	Marion F. Pogue,
Victor A. Bradley,	Robt. L. Harris,	A. H. Points,
O. Houston Brooks,	L. B. Herrington,	J. F. Porter,
Frank J. Brown,	Robt. C. Hill,	W. A. Price,
J. T. Buford,	Samuel D. Hines,	Geo. W. Reid,
L. H. Carter,	John W. Holland,	S. C. Roberts,
W. G. Caudill,	Hite Huffaker,	Sam'l L. Robertson,
Henry Chunn,	R. Dillard Hunter,	W. H. Shanks,
J. R. Claypool,	S. B. Johnson,	W. H. Southall, Jr.,
Z. A. Clore,	W. G. Keen,	John S. Steers,

Z. T. Coleman,	O. M. Kelsey,	J. J. Taylor,
M. G. Colson,	Wm. F. Klair,	J. H. Williams,
Albert J. Counts,	J. H. Lackey,	L. F. Withers,
Peter J. Cosgrove,	John M. Letterle,	J. R. Zimmerman,

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Those who voted in the negative were—

W. L. Craig,	L. C. Littrell,	J. W. Perry,
W. T. Kenton,		

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Resolved that the title thereof be as aforesaid.

Mr. Withers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 278. An act to amend and re-enact Section 1 of Article 13, of an act entitled: "An act relating to revenue and taxation," approved March 15, 1906, and being Section 4225, Kentucky Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section one, Article thirteen, Chapter twenty-two of the acts of one thousand nine hundred and six, entitled: "An act relating to Revenue and Taxation, which was approved March fifteenth, one thoustand nine hundred and six, and being Section four thousand two hundred and twenty-five, Kentucky Statutes, be, and the same is hereby amended and re-enacted so that said Section shall read:

"Every corporation which may be incorporated by or under the laws of this State, having a capital stock divided into shares, shall

pay into the State Treasury one-tenth of one per centum upon the amount of capital stock which such corporation is authorized to have, and a like tax upon any subsequent increase thereof. Such tax shall be due and payable on the incorporation of the company and on the increase of the capital stock thereof, and no such corporation shall have or exercise any corporate powers until the tax shall have been paid, and upon payment it shall file a statement thereof with the Secretary of State; provided, however, that corporations may change their names or Building and Loan Association may extend the term of corporate existence, without payment of another organization tax."

§ 2. All laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	A. H. Points,
J. W. Berkshire,	Robt. L. Harris,	J. F. Porter,
P. W. Berkshire,	L. B. Herrington,	Geo. W. Reid,
T. M. Bertram,	Samuel D. Hines,	J. F. Richardson,
J. O. Bogie,	John W. Holland,	J. T. Riherd,
O. Houston Brooks,	Hite Huffaker,	S. C. Roberts,
Frank J. Brown,	R. Dillard Hunter,	Sam'l L. Robertson,
J. T. Buford,	O. M. Kelsey,	S. M. Russell,
Henry Chunn,	Wm. F. Klair,	H. A. Schoberth,
Sidney G. Clay,	Don G. McVean,	W. H. Shanks,
J. R. Claypool,	H. J. Meyers,	W. Logan Shearer,
Z. A. Clore,	Ben E. Niles,	W. H. Southall, Jr.,

Z. T. Coleman,	W. H. Newell,	W. H. Shanks,
M. G. Colson,	J. W. Perry,	Edward A. Weber,
Albert J. Counts,	John C. Pirtle,	J. H. Williams,
Peter J. Cosgrove,	W. F. Pitman,	L. F. Withers,
C. F. Crecelius,	Marion F. Pogue,	J. R. Zimmerman,
Wm. S. Dean,		

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Resolved that the title thereof be as aforesaid.

Mr. Withers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 539. An act to amend an act entitled: "An act for preventing the manufacture and sale of adulterated or misbranded food, drugs, medicines and liquors, and providing penalties for violations thereof.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violations thereof," approved March 13, 1908, be and the same is hereby amended by adding to same the following, to-wit:

"Nothing in this act shall be construed to prohibit the manufacture or sale of colored oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the

consumer or purchaser of the real character of the article, provided the coloring matter or ingredient used in coloring same is harmless, not poisonous and not deleterious to health.

§ 2. All acts or parts of acts, in conflict with this are, to the extent of such conflict, hereby repealed.

Ordered that said bill be read the third time.

The constitutional provisions as to the third reading of said bill at length being dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
J. W. Perry,
John C. Pirtle,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
Geo. W. Reid,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
W. H. Shanks,
W. H. Southall, Jr.,
J. J. Taylor,
Edward A. Weber,
W. F. Welch,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

John S. Steers,

Resolved that the title thereof be as aforesaid.

Mr. Harris moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pogue, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

H. B. 105. An act to secure the registration of plumbers and the supervision and inspection of plumbing and drainage in cities of the First and Second Class.

H. B. 135. An act to declare lawful agreements to abstain from growing crops of any given kind for any definite period.

H. B. 154. An act to authorize any railroad company operating a railroad in this State to transport passengers, baggage or freight, carried by it on its railroad across any stream, within the limits of or bordering upon this State, or authorize any such railroad company to obtain a franchise for the carrying on of a general ferry business.

H. B. 186. An act creating a County Text-Book Commission to adopt for use in common schools in each county of the Commonwealth a uniform series of text-books regulating the prices thereof, defining the powers and duties of said commission and the method of selection of such text books and distribution and prescribing penalties for the violation of this act.

H. B. 253. An act to further regulate the pooling of farm products.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

And then the House adjourned.

SATURDAY, MARCH 12, 1910.

The House was opened with prayer by the Rev. M. B. Adams, of the First Baptist Church, Frankfort, Kentucky.

Mr. Schoberth moved to reconsider the vote by which the House on yesterday passed a bill entitled:

S. B. 92. An act regarding libel and the civil proceedings thereunder.

And moved that said motion lie on the table.

Said motion was agreed to.

Mr. Schoberth moved that the session of to-day be extended indefinitely.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in the House of Representatives of the following titles, viz:

H. B. 18. An act entitled "An act to regulate the time of holding the term of Circuit Court in the Twentieth Judicial District.

H. B. 94. An act to amend an act entitled "An act creating the Thirty-first Judicial District of Kentucky, fixing the time of holding the courts thereof, providing for the election of a Circuit Judge and a Commonwealths Attorney and changing the Twenty-third and Twenty-fourth Districts of Kentucky, so as to provide for said Twenty-first District, and fixing the time for holding courts in said Twenty-third and Twenty-fourth Districts," approved March 21, 1904.

H. B. 106. An act relating to the holding of Circuit Courts in counties having therein cities of the Third Class.

H. B. 139. An act to require dental hygiene to be taught in all schools supported in whole or in part by the State.

H. B. 359. An act to amend an act regulating the terms of courts of the Twelfth Judicial District.

That they had passed a bill of the following title:

S. B. 124. An act to provide for a census of blind children in each county; to enforce attendance of blind children upon the institution for education of the blind, and to pay expenses of indigent blind children at said school.

Said bill was ordered to be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 265. An act to amend Sections 2 and 12 of an act entitled "An act to prescribe the powers and duties of the Commissioner of Agriculture, Labor and Statistics," approved April 2, 1892, same being Chapter 16 of the Acts of 1891, 1892 and 1893, said sections being respectively Sections 32 and 42, Chapter 4 of the Kentucky Statutes, Carroll's Edition, 1909.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2 of the act entitled "An act to prescribe the powers and duties of the Commissioner of Agriculture, Labor and Statistics," approved April 2, 1892, being Chapter 16 of the Acts of 1891, 1892 and 1893, and the same being Section 32 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in the year 1909, be and the same is hereby amended and re-enacted by striking out the words "Twenty-five hundred," and inserting in lieu thereof the words "Four thousand," so that said Section 32 when amended and re-enacted shall read as follows:

§ 32. The Commissioner shall keep his office at the seat of government, and devote his entire time and attention to the duties of his office. Before entering upon his duties, he shall take the oath of office and execute bond to the Commonwealth, with good sureties, worth at the time, jointly or severally, Twenty-five thousand dollars, to be approved by the Governor, for the faithful discharge of the duties of his office; and shall receive an annual salary of Four thousand dollars, payable at the same time the salary of the Governor is paid.

§ 2. That Section 12 of the act entitled "An act to prescribe the powers and duties of the Commissioner of Agriculture, Labor and Statistics," approved April 2, 1892, being Chapter 16 of the Acts of 1891, 1892 and 1893, and being Section 42 of the Kentucky Statutes, compiled and edited by John D. Carroll and issued in the year 1909 be and the same is hereby amended by striking therefrom the words "Thirteen thousand" and inserting in lieu thereof the words "Fourteen thousand five hundred," so that said section when amended and re-enacted shall read as follows:

§ 42. The sum of Fourteen thousand five hundred dollars is hereby annually appropriated out of any funds in the hands of the Treasurer not otherwise appropriated, for the support and maintenance of this bureau. Said amount shall cover all expenses of every kind growing out of this act, including Commissioner's salary and Clerk's pay and all expenses connected with and growing out of this department of the State government.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and placed upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. P. Chinn,	John W. Holland,	H. J. Meyers.
J. R. Claypool,	Hite Huffaker,	Samuel L. Robertson,
Peter J. Cosgrove,	Wm. F. Klair,	H. A. Schoberth,
C. F. Crecelius,	John M. Letterle,	W. H. Shanks,
Robt. L. Harris,	L. C. Littrell,	J. W. Turner,
Samuel D. Hines,	J. H. McWaters,	Geo. C. Waggoner,

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Those who voted in the negative were—

R. H. Akin,	S. F. Crabtree,	S. P. Parks,
W. D. Allbright,	H. C. Duffy,	John C. Pirtle,
J. W. Berkshire,	G. G. Frazier,	G. H. Plitt,
P. W. Berkshire,	T. D. Graham,	Marion F. Pogue,
T. M. Bertram,	L. B. Herrington,	L. R. Ray,
O. Houston Brooks,	Robt. C. Hill,	G. T. Reynolds,
Frank J. Brown,	W. T. Kenton,	J. F. Richardson,
J. T. Buford,	O. M. Kelsey,	J. T. Riherd,
S. M. Carson,	J. H. Lackey,	S. C. Roberts,
W. G. Caudill,	Hugh Mahin,	S. M. Russell,
Henry Chunn,	R. H. Moss,	W. Logan Shearer,
Z. A. Clore,	Ben E. Niles,	E. E. Trivette,
Z. T. Coleman,	L. C. Owings,	Edward A. Weber,

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And so said bill was disagreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz:

S. B. 284. An act authorizing transportation companies in this State to sell at public auction unclaimed articles not perishable in their possession after a period of six months, and in case of freight that is perishable and unclaimed, it may be sold as soon as it is deemed necessary and proper in order to protect the company, consignor and consignee.

S. B. 48. An act to amend Section 13, Chapter 221, Acts of 1891, 1892 and 1893, entitled "An act relating to Courts of Justice," approved June 10, 1893.

S. B. 174. An act to provide for the warehousing of cotton seed and its products.

S. B. 305. An act empowering the State Fire Marshal and other officers, upon complaint, to enter buildings, or upon premises, for purposes of investigation, and demanding the correction of defects for the prevention of fires.

S. B. 204. An act to amend Section 32 of Article 2 of Chapter 108, entitled "Revenue and taxation," same being Section 4072 of Carroll's Kentucky Statutes.

S. B. 121. An act relating to public improvements in cities of the Second Class.

S. B. 224. An act for the benefit of turnpike roads in this Commonwealth.

S. B. 201. An act to re-adjust and fix the salaries of Assistant Inspectors of Mines.

S. B. 347. An act providing and appropriating money for a contingent fund for the use of the Governor of this Commonwealth.

S. B. 211. An act to legalize slave marriages and the issue of same in this State.

S. B. 193. An act to provide life saving apparatus for the Chief State Inspector of Mines and Assistant Inspector.

S. B. 206. An act to further regulate turnpikes and gravel roads.

S. B. 190. An act to limit the liability of members of the mutual or assessment fire insurance companies.

S. B. 217. An act to regulate the sale of certain agricultural seed.

S. B. 253. An act to amend Subsection 1 of Section 3704, Chapter 89 of the Kentucky Statutes, compiled by John D. Carroll, as same appears in edition of 1909.

S. B. 301. An act creating the office of Assistant Commonwealths Attorney and District Detective to the Commonwealths Attorney in counties having cities of the Second Class.

S. B. 241. An act defining motor vehicles, providing for registration of the same, and uniform rules regulating the use and speed thereof.

S. B. 345. An act to promote the project of improving waterways of this Commonwealth and assisting the National Rivers and Harbors Congress in improving waterways and appropriating money therefor.

S. B. 245. An act to amend and re-enact Sections 12 and 14 of Article 4 and Sections 10 and 14 of Article 8 of an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," approved March 18, 1894, being Sections 3069, 3071, 3183 and 3187, respectively, of the Kentucky Statutes.

S. B. 246. An act to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3100, 3101 and 3102 of the Kentucky Statutes, relating to the control and improvement of streets, public ways, landings, wharves, grounds and sidewalks in cities of the Second Class.

S. B. 228. An act to appropriate money to pay the deficit occasioned by the Houses of Reform, one for the boys and one for the girls; to pay for the erection of Cottage B. No. 2, at said houses, heretofore directed; to provide for the acquisition of additional grounds and water, and transportation facilities, and otherwise extending, improving and better equipping said institution, and empowering the Board of Penitentiary Commissioners to carry out the same, and appropriating money to pay therefor.

Ordered that said bills be severally read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

The Committees to which the same had been referred reported bills, and a resolution, of the following titles, viz:

By Mr. Holland, of the Committee on Insurance:

S. B. 311. An act authorizing stock life insurance companies to establish a guaranty fund.

By Mr. Hogue, of the Committee on Rules:

S. B. 70. An act to amend an act entitled "An act for the creation and regulation of private corporations, being an act relating to the subject of insurance, and the transaction of the business of life or casualty insurance, or both life and casualty insurance, upon the co-operating or assessment plan.

By same:

S. B. 59. An act to amend Section 4949, Chapter 122, Kentucky Statutes.

By same:

H. B. 464. An act to provide for the increased efficiency of the common schools, to secure better teachers therefor and to induce men and women to enter and to remain in the profession of teaching.

By same:

S. B. 36. An act to provide for the teaching of literature in the common schools of the Commonwealth of Kentucky.

By same:

S. B. 248. An act authorizing the formation of corporations, authorized to do a trust, banking and title insurance business.

By same:

S. B. 220. An act for the promotion of agriculture and horticulture among the negroes, providing for industrial institutes and appropriating annually five thousand dollars therefor.

By same:

S. B. 179. An act amending Section 965 of Kentucky Statutes relative to the time of holding courts in the Sixth Circuit Court District of Kentucky.

By same:

S. B. 313. An act to amend Section 3643, Kentucky Statutes.

By same:

S. B. 255. An act for the benefit of Joseph Morris.

By same:

S. B. 192. An act defining public drunkenness and fixing punishment therefor.

By same:

S. B. 278. An act providing that the sum of Twenty-five thousand dollars be appropriated to be expended by the Board of Penitentiary Commissioners for the purpose of erecting a hospital *et cetera.*

By same:

S. Res. 19. Resolution for the benefit of the members of the General Assembly.

Said bills were severally read the first time at length and ordered to be placed on the Calendar.

The hour of 11 o'clock a. m. having arrived, the House took up for consideration the special order of the day for that hour, to-wit: A bill entitled:

S. B. 199. An act authorizing the Secretary of State to appoint examiners of State Banking Institutions, Trust Companies, Banking and Loan Associations, Savings and Loan Associations, Combined Banks and Trust Companies, and defining their duties and that of the Secretary of State, and providing compensation for said duties.

(For bill, substitute and pending amendment, see yesterday's journal.)

Mr. Schoberth offered the following amendment to the original bill:

Amend said bill by by striking out Section 1 and inserting in lieu thereof the following:

"§ 1. There shall be elected by the members of the General Assembly, six persons who shall be known as Bank Examiners. No person shall be eligible as Bank Examiner who has not had at least three years experience in banking business. Said Bank Examiners shall hold office for a term of four years, respectively from the first day of July, 1910, and until their successors are elected."

Said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Schoberth and Steers, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	S. F. Crabtree,	Frank S. Moore,
J. W. Berkshire,	W. L. Craig,	H. J. Meyers,
P. W. Berkshire,	L. B. Herrington,	W H. Newell,
Eli Berry,	Robt. C. Hill,	L. C. Owings,

O. Houston Brooks,	John W. Holland,	Geo. W. Reid,
J. T. Buford,	R. Dillard Hunter,	G. T. Reynolds,
W. G. Caudill,	O. M. Kelsey,	H. A. Schoberth,
J. P. Chinn,	Wm. F. Klair,	John S. Steers,
Henry Chunn,	J. H. Lackey,	L. F. Withers,
J. R. Claypool,	L. C. Littrell,	J. R. Zimmerman,
Z. A. Clore,	Don G. McVean,	

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Those who voted in the negative were—

W. D. Allbright,	S. B. Johnson,	R. A. Read,
T. M. Bertram,	W. G. Keen,	H. T. Rich,
J. M. Blair,	W. T. Kenton,	J. F. Richardson,
Frank J. Brown,	John M. Letterle,	J. T. Riherd,
S. M. Carson,	J. H. McWaters,	Farris Roberts, Jr.,
L. H. Carter,	R. H. Moss,	S. C. Roberts,
Z. T. Coleman,	Ben E. Niles,	Samuel L. Robertson,
M. G. Colson,	S. P. Parks,	S. M. Russell,
Albert J. Counts,	C. C. Patrick,	S. A. Shanklin,
Peter J. Cosgrove,	W. V. Perry,	W. H. Shanks,
C. F. Crecelius,	John C. Pirtle,	W. Logan Shearer,
W. B. Creekmore,	W. F. Pitman,	W. H. Southall, Jr.,
Wm. S. Dean,	G. H. Plitt,	J. J. Taylor,
H. C. Duffy,	Marion F. Pogue,	E. E. Trivette,
G. G. Frazier,	A. H. Points,	J. W. Turner,
Chas. W. Fulton,	J. F. Porter,	Geo. C. Waggoner,
H. T. Gartin,	W. A. Price,	Edward A. Weber,
T. D. Graham,	L. R. Ray,	J. H. Williams,
Robt. L. Harris,		

—55

Mr. Schoberth offered the following amendment to said bill:

1. Amend Section 4 by inserting after the word "examiners" the words "Secretary of State, Clerk or any person employed by the Secretary of State or by the Examiners."

2. Amend after the word "them" in the last line of Section 4 "provided that if the Secretary of State, any examiner, any person or clerk employed by the Secretary of State or examiner shall impart

any information obtained by them in the course of an examination, except to such person or persons as provided by this law, that the person or persons giving such information shall be deemed guilty of a felony, and his punishment shall be fixed at not less than one year, nor more than five years, in the State penitentiary. The Circuit Court of the county wherein the bank is located, that the information was given about, shall have jurisdiction to try the person offending."

Said amendment was agreed to.

Mr. Owings offered the following amendment to said bill:

Amend Section 3, line 14, by striking out the word "four" and inserting the word "two."

Said amendment was disagreed to.

Mr. Withers offered the following amendment to said bill:

Amend by striking out Section 3 and 8.

Said amendment was disagreed to.

Mr. Withers offered the following amendments to said bill:

1. Amend by striking out the words "only" and "when" in line 4 of Section 1.

2. Amend by inserting the word "not" immediately after the word "shall," in line 3 of Section 1, and by inserting the words "or be entitled to receive any salary whatever" after the word "required" in line four of Section 1.

3. Amend by inserting the word "until" immediately before the word "their" in line 4 of Section 1.

Said amendments were disagreed to.

The amendments offered on yesterday by Mr. Owings to the substitute as offered by himself, were severally disagreed to.

Said substitute was disagreed to.

Ordered that said bill as amended be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were--

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. M. Blair,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
T. D. Graham,
Robt. L. Harris,
L. B. Herrington,
Robt. C. Hill,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Samuel L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,

Wm. S. Dean,	W. V. Perry,	Geo. C. Waggoner,
H. C. Duffy,	John C. Pirtle,	Edward A. Weber,
G. G. Frazier,	W. F. Pitman,	J. H. Williams,
Chas. W. Fulton,	G. H. Plitt,	L. F. Withers,
H. T. Gartin,	Marion F. Pogue,	—83

Those who voted in the negative were—

J. W. Perry, J. R. Zimmerman,

The House took up for consideration from the Clerk's desk, a bill entitled:

H. B. 49. An act to authorize a Chief Deputy or Assistant Assessor in counties having a population of forty thousand or over, and under seventy-five thousand, and providing for his compensation.

Together with the amendment proposed thereto by the Senate.

(For bill see House Journal, March 2d.)

The amendment as proposed to said bill by the Senate is as follows:

Amend Section 1 by adding after the word "over" in line 2, the following: "And having a Circuit Court in continuous session."

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being taken upon the passage of said bill as amended in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Hite Huffaker,	L. R. Ray,
Eli Berry,	R. Dillard Hunter,	Geo. W. Reid,
T. M. Bertram,	S. B. Johnson,	G. T. Reynolds,

J. M. Blair,	W. T. Kenton,	J. F. Richardson,
Frank J. Brown,	O. M. Kelsey,	J. T. Riherd,
J. T. Buford,	Wm. F. Klair,	S. C. Roberts,
L. H. Carter,	J. H. Lackey,	S. M. Russell,
W. C. Caudill,	John M. Letterle,	H. A. Schoberth,
J. R. Claypool,	Frank S. Moore,	S. A. Shanklin,
Z. A. Clore,	R. H. Moss,	W. H. Shanks,
Z. T. Coleman,	H. J. Meyers,	W. Logan Shearer,
S. F. Crabtree,	L. C. Owings,	J. J. Taylor,
W. L. Craig,	J. W. Perry,	E. E. Trivette,
C. F. Crecelius,	W. V. Perry,	J. W. Turner,
W. B. Creekmore,	W. F. Pitman,	Geo. C. Waggoner,
H. C. Duffy,	G. H. Plitt,	Edward A. Weber,
G. G. Frazier,	Marion F. Pogue,	L. F. Withers,
Samuel D. Hines,	A. H. Points,	J. R. Zimmerman,
John W. Holland,	J. F. Porter,	—56

Those who voted in the negative were—

Wm. S. Dean, C. C. Patrick,

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 123. An act for the benefit of the Kentucky School for the Deaf.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the State, not otherwise appropriated, for the benefit of the Kentucky School for the Deaf at Danville, Kentucky, the following named sums for the specific purposes named and set out herein, as follows:

First—For the erection of two fire escapes on the dormitory buildings of the primary department, four hundred dollars.

Second—To build an addition to the shops of the manual training department, five thousand one hundred dollars.

Third—To enlarge the laundry building and for coal cellar under same, fifteen hundred dollars.

Fourth—For resetting two steam boilers of the heating plant and building new foundations under same, eight hundred dollars.

Fifth—To employ a teacher for the deaf-blind, for which class of children no provision has hitherto been made by the Commonwealth, six hundred dollars annually.

Sixth—For one thousand feet of concrete curb and extra width gutter on Third street, seven hundred fifty dollars.

Seventh—To purchase a certain body of land with improvements, bounded on the east, north and south by the grounds of the Kentucky School for the Deaf, and lying within two hundred feet of one of the main buildings, the sum of eleven thousand dollars or so much thereof as may be necessary to obtain title to same is hereby appropriated.

Eighth—For two fire escapes on the building of the School for the Colored Deaf, four hundred dollars.

§ 2. Whereas, some difficulty has arisen in construing various acts appropriating funds for the benefit of the schools for the white and colored deaf, therefore the school for the white deaf and the school for the colored deaf shall be maintained and operated as separate and distinct institutions, but under one and the same Board of Commissioners and under one Superintendent as already provided by law, but the funds of the two schools shall be kept separate and apart, and shall be expended in like manner. The school for the white deaf shall be entitled to all appropriations hitherto made or that shall hereafter be made for the benefit of the Kentucky School for the Deaf unless said appropriation be designated as being for the benefit of the

school for the colored deaf, and it shall be understood that the said school for the colored deaf shall be entitled only to such appropriations as have been or shall hereafter be made under any act or acts in which the word "colored" is used to distinguish said school from that of the white deaf.

§ 3. The money hereby appropriated shall be drawn on the demand or application of the Board of Commissioners of said schools, and upon said demand or application duly signed by the President, Treasurer, and Secretary of said board, being made upon him, the Auditor of Public Accounts shall draw his warrant or warrants on the Treasurer of the State in favor of the Treasurer of said school for any sum or sums not exceeding the amounts hereby appropriated; and no part of said money shall be expended by said board, except for the purposes as above set forth.

§ 4. The Board of Commissioners of said schools shall through its Treasurer, within three months after completing the improvements herein provided for, make an itemized statement showing each and every item of expenditure made by such board under the provision of this act, which statement shall be duly verified under oath by the President, Secretary, and Treasurer of said board, and shall be filed with the Auditor of Public Accounts together with all vouchers covering all expenditures; and said Treasurer shall pay back into the treasury of the State any unexpended balance of the appropriation herein made which may remain in his hands.

§ 5. Because of the urgent need of the improvements herein provided for, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Mr. Porter offered the following amendment to said bill:

Strike out Paragraph seven of Section 1.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	W. B. Creekmore,	W. V. Perry,
J. W. Berkshire,	H. C. Duffy,	John C. Pirtle,
P. W. Berkshire,	G. G. Frazier,	W. F. Pitman,
Eli Berry,	L. B. Herrington,	G. H. Plitt,
J. M. Blair,	Samuel D. Hines,	A. H. Points,
O. Houston Brooks,	John W. Holland,	W. A. Price,
Frank J. Brown,	R. Dillard Hunter,	Geo. W. Reid,
J. T. Buford,	S. B. Johnson,	H. T. Rich,
S. M. Carson,	W. G. Keen,	J. F. Richardson,
L. H. Carter,	W. T. Kenton,	S. C. Roberts,
J. P. Chinn,	O. M. Kelsey,	Samuel L. Robertson,
Henry Chunn,	Wm. F. Klair,	S. M. Russell,
Sidney G. Clay,	J. H. Lackey,	H. A. Schoberth,
J. R. Claypool,	John M. Letterle,	W. H. Shanks,
Z. A. Clore,	Hugh Mahin,	W. Logan Shearer,
M. G. Colson,	Don G. McVean,	W. H. Southall, Jr.,
Albert J. Counts,	H. J. Meyers,	J. W. Turner,
Peter J. Cosgrove,	Ben E. Niles,	Geo. C. Waggoner,
S. F. Crabtree,	W. H. Newell,	L. F. Withers,
C. F. Crecelius,	L. C. Owings,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Taylor moved to reconsider the vote by which said bill was passed, and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 541. An act amending Section 684 of Subdivision 4, of Article 4, Chapter 32, of the Kentucky Statutes, 1903, pertaining to insurance companies.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of Section 684, of Subdivision 4, of Article 4, of Chapter 32 of Kentucky Statutes, which reads that the capital stock of fire insurance companies "shall be divided into shares of one hundred dollars each," be, and the same is hereby amended by striking out the words "shall be divided into shares of one hundred dollars each," and inserting in lieu thereof the words "shall be divided into shares of ten dollars each."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Hite Huffaker,	R. A. Read,
W. D. Allbright,	R. Dillard Hunter,	Geo. W. Reid,
T. M. Bertram,	O. M. Kelsey,	G. T. Reynolds,
J. M. Blair,	Wm. F. Klair,	J. F. Richardson,
Frank J. Brown,	J. H. Lackey,	J. T. Riherd,
L. H. Carter,	John M. Letterle,	S. C. Roberts,

W. G. Caudill,	Frank S. Moore,	S. M. Russell,
Henry Chunn,	R. H. Moss,	S. A. Shanklin,
J. R. Claypool,	H. J. Meyers,	W. H. Shanks,
Z. A. Clore,	Ben E. Niles,	W. Logan Shearer,
Albert J. Counts,	L. C. Owings,	W. H. Southall, Jr.,
Peter J. Cosgrove,	W. V. Perry,	J. J. Taylor,
S. F. Crabtree,	John C. Pirtle,	E. E. Trivette,
W. L. Craig,	W. F. Pitman,	J. W. Turner,
C. F. Crecelius,	G. H. Plitt,	Geo. C. Waggoner,
G. G. Frazier,	Marion F. Pogue,	Edward A. Weber,
Chas. W. Fulton,	A. H. Points,	J. H. Williams,
Robt. C. Hill,	J. F. Porter,	L. F. Withers,
Samuel D. Hines,	W. A. Price,	J. R. Zimmerman,
John W. Holland,	L. R. Ray,	— 59

Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 431. An act amending Section 4038 of the Kentucky Statutes, of the revision compiled by John D. Carroll and issued in 1903.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4038 of the edition of the Kentucky Statutes, compiled and edited by John D. Carroll, and issued in 1903, be, and the same is hereby, revised and amended so as to read as follows:

That in all cases where lands have been purchased by the State for taxes which were assessed in 1905 and prior thereto which have

not been redeemed or sold by the Auditor's Agent, and deeds made, the State as to said taxes hereby relinquishes all claim, and the Auditor is hereby directed to relinquish upon the record books of his office, all such lands.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
T. M. Bertram,
J. M. Blair,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
L. B. Herrington,
Robt. C. Hill,
John W. Holland,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
E. E. Trivette,
Geo. C. Waggoner,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Carter moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 80. An act to create the Kentucky Library Commission, to define its powers and duties and to provide for its expenses.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a Commission of five members is hereby created, to be known as the Kentucky Library Commission, to be constituted and appointed as hereinafter provided, and to have permanent quarters in the Capitol.

§ 2. The members of said Commission shall be appointed by the Governor upon the passage of this act, one for a term of one year, one for two years, one for three years, and two for four years. Thereafter the Commissioners shall be appointed annually by the Governor, and each appointment shall be for a term of four years. At least one member of the Commission shall be a woman, who shall be appointed by the Governor from a list of not less than three names to be presented by the Kentucky Federation of Women's Clubs. All vacancies that may occur by resignation or otherwise shall be filled by the Governor for the unexpired term. No member of said Commission shall be compensated for his services, but actual expenses of the members, incident to attending meetings of the Commission or establishing

libraries and other necessary incidental expenses actually incurred in connection with the performance of their duties, shall be paid by the State. No member of the Commission shall be engaged or interested in the publishing business.

§ 3. The officers of the Commission shall be a Chairman elected from the members thereof, for a term of one year, and a Secretary, who shall be a person trained in modern library methods, not a member of the Commission. The Secretary shall be appointed by the Commission and shall serve at the will of the Commission under such conditions and for such compensation, not exceeding $1,500 annually, as to it shall seem adequate.

Said Secretary shall keep a record of the proceedings of the Commission; keep accurate accounts of its financial transactions; have charge of its work in organizing new libraries, and improving those already established; supervise the work of the traveling libraries, and in general perform such duties as may from time to time be assigned to him by the Commission.

The Commission shall be authorized to employ such other clerical and expert assistance as may be necessary. The Secretary and assistants shall be allowed actual and necessary expenses while absent from the Commission office upon the service of the Commission.

§ 4. The Commission shall give assistance, advice and counsel to all school, State-institutional, free and public libraries, and to all communities in the State which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

It may also receive gifts of money, books, or other property which may be used or held for the purpose or purposes given; may purchase and operate traveling libraries under such conditions and rules as

the Commission deems necessary to protect the interests of the State and best increase the efficiency of the service it is expected to render the public.

The Commission may issue printed material such as lists and circulars of information, and in the publication thereof may co-operate with other State library commissions and libraries, in order to secure the more economical administration of the work for which it was formed. It may conduct courses of library instruction and hold librarians institutes in various parts of the State.

Said Commission shall perform such other services in behalf of public libraries as it may consider for the best interests of the State.

§ 5. The Commission shall prior to December first of the year preceding the regular sessions of the General Assembly, make a biennial report to the Governor, which report shall show library conditions and progress in Kentucky, and shall contain a detailed statement of the expenses of the Commission. This report, when printed, shall be presented to the General Assembly of the Commonwealth of Kentucky, and distributed by the Commission. This report and other printing and binding for the Commission shall be done by the State Printer under the same regulations as other reports of the Executive Officers of the State.

§ 6. The expenses of the Commission shall be paid upon presentation of itemized statements, and the Auditor of Public Accounts is hereby authorized to draw his warrants for such expenses on the order of the Kentucky Library Commission when signed by the Secretary and countersigned by the Chairman of the Commission

§ 7. To carry out the provisions of this act the sum of six thousand ($6,000.00) dollars is hereby appropriated annually for the use of the Kentucky Library Commission.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Robt. L. Harris,	A. H. Points,
W. D. Allbright,	L. B. Herrington,	W. A. Price,
Eli Berry,	Hite Huffaker,	R. A. Read,
T. M. Bertram,	R. Dillard Hunter,	G. T. Reynolds,
J. M. Blair,	S. B. Johnson,	H. T. Rich,
O. Houston Brooks,	W. G. Keen,	Farris Roberts, Jr.,
J. T. Buford,	W. T. Kenton,	Sam'l L. Robertson,
S. M. Carson,	O. M. Kelsey,	S. M. Russell,
L. H. Carter,	Wm. F. Klair,	H. A. Schoberth.
J. P. Chinn,	J. H. Lackey,	S. A. Shanklin,
Henry Chunn,	Hugh Mahin,,	W. H. Shanks,
Sidney G. Clay,	Don G. McVean,	W. Logan Shearer,
J. R. Claypool,	H. J. Meyers,	W. H. Southall, Jr.,
Z. A. Clore,	Ben E. Niles,	J. J. Taylor,
M. G. Colson,	L. C. Owings,	E. E. Trivette,
Albert J. Counts,	S. P. Parks,	Edward A. Weber,
Peter J. Cosgrove,	C. C. Patrick,	L. F. Withers,
C. F. Crecelius,	W. V. Perry,	J. R. Zimmerman,
W. B. Creekmore,	G. H. Plitt,	—56

Those who voted in the negative were—

W. G. Caudill,	Chas. W. Fulton,	L. R. Ray,
S. F. Crabtree,	Robt. C. Hill,	Geo. W. Reid,
W. L. Craig,	John M. Letterle,	J. F. Richardson,
H. C. Duffy,	W. F. Pitman,	J. T. Riherd,
G. G. Frazier,	J. F. Porter,	S. C. Roberts,
		—15

Resolved that the title thereof be as aforesaid.

Mr. Carter moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

H. B. 385. An act relating to fire escapes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The owners and proprietors of every hotel, rooming house, office building, and factory, more than two stories in height shall provide and maintain a safe fire escape for each outside room above the second floor. In all cities and towns having a Chief of Fire Department or Board of Safety, the fire escape shall be of a pattern and kind as directed by said Fire Chief or Board of Safety, and in all other cases, (except factories where same shall be provided for each window) a window of each outside room, shall be provided with a manilla rope not less than three fourths of an inch in diameter, knotted every eight inches, attached to a chain seven feet long, said chain to be securely attached inside of the room and said rope and chain to be of sufficient length to reach the ground.

§ 2. Every violation of this act shall be deemed a misdemeanor and every person violating same shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or imprisoned for not less than ten days nor more than thirty days. Every day during which the owner or proprietor fails to comply with the provisions of this act shall be considered a separate offense.

§ 3. It shall be negligence *per se* upon the part of the owner, lessee, or proprietor of any building herein mentioned to fail to comply with the provisions of this act and any person who shall sustain any injury thereby may recover damages therefor as he may have sustained.

§ 4. The provisions of this act shall take effect and be in force on and after September 1, 1910.

Mr. Withers offered the following amendment to said bill:

Amend by adding to Section 1 the following: "Or be provided with some device equally as sufficient."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, and same being engrossed, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	C. F. Crecelius,	Ben E. Niles,
W. D. Allbright,	H. C. Duffy,	L. C. Owings,
J. W. Berkshire,	G. G. Frazier,	John C. Pirtle,
P. W. Berkshire,	Chas. W. Fulton,	Marion F. Pogue,
J. M. Blair,	F. E. Graves,	W. A. Price,
O. Houston Brooks,	L. B. Herrington,	Geo. W. Reid,
J. T. Buford,	John W. Holland,	J. F. Richardson,
S. M. Carson,	Hite Huffaker,	S. C. Roberts,
L. H. Carter,	S. B. Johnson,	Sam'l L. Robertson,
W. G. Caudill,	O. M. Kelsey,	H. A. Schoberth,
Henry Chunn,	Wm. F. Klair,	S. A. Shanklin,

Sidney G. Clay,	J. H. Lackey,	W. H. Shanks,
J. R. Claypool,	J. H. McWaters,	J. J. Taylor,
Z. A. Clore,	Don G. McVean,	Geo. C. Waggoner,
M. G. Colson,	H. J. Meyers,	L. F. Withers,

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Those who voted in the negative were—

Eli Berry,	Frank S. Moore,	R. A. Read,
Frank J. Brown,	S. P. Parks,	G. T. Reynolds,
S. F. Crabtree,	C. C. Patrick,	J. T. Riherd,
W. L. Craig,	J. W. Perry,	S. M. Russell,
W. B. Creekmore,	W. F. Pitman,	W. Logan Shearer,
Robt. L. Harris,	G. H. Plitt,	J. W. Turner,
Robt. C. Hill,	J. F. Porter,	J. H. Williams,
John M. Letterle,	L. R. Ray,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 265. An act to amend Section 388 of the Kentucky Statutes, touching record books.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 388 of the Kentucky Statutes be amended to read as follows:

The record books required by Circuit and County Court clerks shall be procured by the clerk upon the order of the court of which he is clerk and shall be paid for by the State as follows: Upon the pro-

duction to the Auditor of Public Accounts of a certified copy of the order directing the purchase and a certificate of the clerk that such book has been received in his office it shall be the duty of the Auditor of Public Accounts to draw his warrant upon the Treasurer for the price of same, payable to the person who furnished same: Provided, that due advertisement has been made under the order of the Fiscal Court of the county where such court is held, of the specifications of such books and the purchase of same has been made from the lowest and best bidder; and provided further, that the cost to the State per annum for such record books shall be limited to the pro rata amounts herein prescribed: In counties having ten thousand or less population, one hundred dollars; counties having over ten and less than twenty thousand population, one hundred and twenty-five dollars; counties having twenty thousand and less than thirty thousand population, one hundred and fifty dollars; counties having thirty thousand and less than forty thousand, one hundred and seventy-five dollars, and counties having from forty to fifty thousand population, two hundred and fifty dollars, and counties having over sixty thousand population, one thousand dollars. All costs for record books in excess of these amounts shall be paid by the respective counties for which record books are purchased.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	A. H. Points,
W. D. Allbright,	Robt. L. Harris,	J. F. Porter,
J. W. Berkshire,	L. B. Herrington,	W. A. Price,

Eli Berry,
T. M. Bertram,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
S. B. Johnson,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
J. H. McWaters,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
L. R. Ray,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
J. R. Zimmerman,
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Those who voted in the negative were—

J. J. Taylor,

Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 53. An act amending Section 74, Title 5, of the Civil Code of practice.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 74, Title 5, of the Civil Code of Practice, be, and the same is hereby amended by adding thereto the words: "Pro-

vided, that in actions for libel, the action shall be brought in the county in which the plaintiff resides or in the county in which the newspaper or publication is printed or published," so that said Section as amended and enacted shall read as follows: "Every action for an injury to the person of the plaintiff, and every action for an injury to the character of the plaintiff, against a defendant residing in this State, must be brought in the county in which the defendant resides or in which the injury is done: Provided, that in actions for libel, the action shall be brought in the county in which the plaintiff resides or in the county in which the newspaper or publication is printed or published, or in the county in which the transaction, or act, or declaration to which publication relates is stated, or purported to have been done or taken place."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Samuel D. Hines,	A. H. Points,
J. W. Berkshire,	John W. Holland,	L. R. Ray,
P. W. Berkshire,	S. B. Johnson,	Geo. W. Reid,
Eli Berry,	W. T. Kenton,	H. T. Rich,
T. M. Bertram,	O. M. Kelsey,	J. F. Richardson,
O. Houston Brooks,	Wm. F. Klair,	S. C. Roberts,
Frank J. Brown,	J. H. Lackey,	Sam'l L. Robertson,
J. T. Buford,	L. C. Littrell,	S. M. Russell,
L. H. Carter,	J. H. McWaters,	H. A. Schoberth,
W. G. Caudill,	Don G. McVean,	S. A. Shanklin,
J. P. Chinn,	Frank S. Moore,	W. H. Shanks,
Henry Chunn,	H. J. Meyers,	W. Logan Shearer,

J. R. Claypool,	W. H. Newell,	W. H. Southall, Jr.,
Z. A. Clore,	L. C. Owings,	Geo. C. Waggoner,
M. G. Colson,	John C. Pirtle,	Edward A. Weber,
Albert J. Counts,	G. H. Plitt,	J. H. Williams,
F. E. Graves,	Marion F. Pogue,	J. R. Zimmerman,
L. B. Herrington,		

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Those who voted in the negative were—

H. C. Duffy, J. F. Porter,

Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 85. An act to authorize the Trustees of the Jury Fund to pay persons summoned as jurors in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All persons summoned to appear for service as jurors in the Circuit Courts of the Commonwealth of Kentucky, from the time they actually appear in Court in response to the summons until finally discharged by order of the Court, shall be paid for their services, by the trustee of the jury fund, the same per diem that is paid to grand and petit jurors. (But is not to include any jurors not serving on the regular panel in excess of the eight grand and six petit jurors, whose names are drawn from the jury wheel at the preceding term of Court, and do appear in open Court for service, and is also not

to include any who are excused upon their own request, and the Clerk of the Circuit Court shall issue to each person so summoned and discharged a certificate showing the number of days' service and amount he is entitled to receive.)

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	A. H. Points,
W. D. Allbright,	L. B. Herrington,	J. F. Porter,
J. W. Berkshire,	Robt. C. Hill,	L. R. Ray,
P. W. Berkshire,	Samuel D. Hines,	R. A. Read,
Eli Berry,	John W. Holland,	Geo. W. Reid,
T. M. Bertram,	Wm. F. Klair,	G. T. Reynolds,
O. Houston Brooks,	J. H. Lackey,	H. T. Rich,
Frank J. Brown,	L. C. Littrell,	J. F. Richardson,
J. T. Buford,	J. H. McWaters,	S. C. Roberts,
W. G. Caudill,	Don G. McVean,	Sam'l L. Robertson,
Henry Chunn,	H. J. Meyers,	S. M. Russell,
J. R. Claypool,	Ben E. Niles,	S. A. Shanklin,
Z. A. Clore,	W. H. Newell,	W. Logan Shearer,
Z. T. Coleman,	J. W. Perry,	Geo. C. Waggoner,
M. G. Colson,	John C. Pirtle,	Edward A. Weber,
S. F. Crabtree,	W. F. Pitman,	J. H. Williams,
W. L. Craig,	G. H. Plitt,	L. F. Withers,
H. C. Duffy,	Marion F. Pogue,	

—53

Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 26. An act to establish a bureau of vital statistics, and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the bureau of vital statistics as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State and providing certain penalties.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the State Board of Health to have charge of the State system of registration of births and deaths; to prepare necessary methods, forms and blanks for obtaining and preserving such records and to insure the faithful registration of the same, in towns, cities, counties, and in the Bureau of Vital Statistics. The said Board shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall, from time to time, recommend any additional forms and amendments that may be necessary for this purpose.

§ 2. That the State Board of Health shall have general supervision over the Bureau of Vital Statistics, which is hereby authorized to be established by said Board, and which shall be under the immediate

direction of the State Registrar of Vital Statistics, whom the State Board of Health shall appoint within thirty days after the taking effect of this law, who shall be a competent vital statistician. The term of appointment of State Registrar of Vital Statistics shall be four years, beginning with the first day of January of the year in which this act shall take effect, and any vacancy occurring in the office of State Registrar of Vital Statistics shall be filled by appointment of the State Board of Health. The State Registrar of Vital Statistics shall receive an annual salary not to exceed twenty-five hundred dollars, which sum shall be paid by the State Board of Health out of the annual allowance made to it by the State. The State Board of Health shall provide for such clerical and other assistance as may be necessary for the purpose of this act, and may fix the compensation of persons thus employed within the amount appropriated for said Board by the Legislature. Suitable apartments shall be provided for the State Board of Vital Statistics, which shall be properly equipped with fire-proof vault and filing cases for the permanent and safe preservation of all official records made and returned under this act. The State Registrar shall file duplicates of all returns made to him from each county with the county clerk thereof upon notice that a fire proof vault and filing cases for their permanent preservation have been provided by the fiscal officials of such county.

§ 3. That for the purpose of this act the State shall be divided into registration districts as follows: Each city and incorporated town shall constitute a primary registration district, and for that portion of each county outside of the cities and incorporated towns therein, the State Board of Health shall define and designate the boundaries of a sufficient number of rural registration districts, which it may change from time to time, as may be necessary for convenience and completeness of registration.

§ 4. That within ninety days after taking effect of this act, or as soon thereafter as possible, the State Board of Health shall appoint a local registrar of vital statistics for each registration district in the

State, excepting such cities or towns as are otherwise provided for. The term of office of local registrars, appointed by said board, shall be for four years, beginning with the first day of January of the year in which this act shall take effect, and their successors shall be appointed at least ten days before the expiration of their terms of office.

Any local registrar, appointed by said board, who fails, or neglects to efficiently discharge the duties of his office as laid down in this act, or who fails to make prompt and complete returns of births and deaths, as required hereby, shall be forthwith removed from his office by the State Board of Health, and his successor appointed, in addition to any other penalties that may be imposed, under other sections of this act, for failure or neglect to perform his duty.

Each local registrar, appointed by said board, shall immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness or disability, and who shall accept such an appointment in writing, which shall be filed in the office of the State Registrar, and who shall be subject to all rules and regulations governing the actions of local registrars. Provided, that in cities or towns where health officers or secretaries of local boards of health, or other officials, at the date of this act, are officiating as registrars of births and deaths under local ordinances to the satisfaction of the State Registrar, such officers shall be continued as registrars in and for such cities or towns, but shall be subject to the rules and regulations of the State Board of Health, and to all of the provisions of this act.

§ 5. That the body of any person whose death occurs in the State shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, until a permit for burial, removal or other disposition shall have been properly issued by the registrar of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him as hereinafter pro-

vided. Provided, that a transit permit issued in accordance with the law and health regulation of the place where the death occurred, whether in Kentucky or outside of the State, may be accepted by the local registrar of the district where the body is to be interred or otherwise finally disposed of, as a basis upon which he shall issue a local burial permit, in the same way as if the death occurred in his district, but he shall plainly enter on the face of the copy of the record which he shall make for return to the State Registrar the fact that it was a body shipped in for interment, and give the actual place of death. But when a body is removed from a district in Kentucky to an adjacent or nearby district for interment, the registrar's removal permit from the district where death occurred may be accepted as authority for burial.

§ 6. That still-born children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "still-birth." The medical certificate of the cause of death shall be signed by the attending physician, if any; and shall state the cause of death as "still-born," with the cause of the still-birth if known, whether a premature birth, and, if borne prematurely, the period of uterogestation, in months if known; and a burial or removal permit in usual form shall be required.

§ 7. That the certificate of death shall be the standard form adopted by the United States Census Bureau for the collection of mortality statistics.

The personal and statistical particulars shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker, or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary cause, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate not containing such terms as defined by the State Registrar shall be returned to the physician for correction and definition. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and, if from violence, its nature shall be stated, and whether (probably) accidental, suicidal or homicidal. And in case of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head, and shall state where, in his opinion, the disease was contracted.

§ 8. That in case of any death occurring without a physician in attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification, prior to issuing the permit. Provided, that if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification. And any coroner whose duty it is to hold an inquest on the body of any deceased person and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease, or the manner of death; and, if from external causes of violence, whether (probably) accidental, suicidal or homicidal, and shall, in either case, furnish such information as may be required by the State Registrar to properly classify the death.

§ 9. That the undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in Section 8. And he shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the registrar, within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton or person in charge of the place of burial, before interring the body, or shall attach the transit permit, containing the registrar's removal permit, to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination, where, if within the State of Kentucky, it shall be taken up by the local registrar of the district in which interment is made, who shall issue a burial permit thereon.

§ 10. That if the interment, or other disposition of the body, is to be made within the State, the wording of the burial permit may be limited to a statement by the registrar, and over his signature that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State Registrar.

§ 11. That no sexton, or person in charge of any premises in which interments are made, or the owner of premises containing a private cemetery, shall inter, or permit the interment or other disposition of any body, unless it is accompanied by a burial, removal or

transit permit, as herein provided. And each sexton, or person in charge of any burial ground, or the owner of premises containing a private cemetery, shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district, within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of birth, date of burial and name and address of the undertaker, which record shall at all times be open to public inspection.

§ 12. That all births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

§13. That it shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all the particulars required by this act, with the local registrar of the district in which the birth occurred, within ten days after the date of birth. And if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, householder or owner of the premises, manager or superintendent of public or private institution, in which the birth occurred, to notify the local registrar, within ten days after birth, of the fact of such a birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth.

§ 14. That the certificate of birth shall be the standard form adopted by the United States Census Bureau.

This certificate shall be signed by the attending physician or midwife, with date of signature and address; if there be no physician or midwife in attendance, then the father or mother of the child, householder or owner of the premises, or manager or superintendent of public or private institution, whose duty it shall become to notify the local

registrar of such a birth, as required by Section 13 of this act. All certificates, either of birth or death, shall be written legibly, in unfading ink; and no other certificate shall be held to be complete and correct that does not supply all the items of information called for therein, or satisfactorily account for their omission.

§ 15. That when any certificate of birth of a living child is presented without statement of the given name, then the local registrar shall make out and deliver to the parents, attending physician or midwife, a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the registrar as soon as the child shall be named.

§ 16. That every physician, midwife and undertaker shall, without delay, register his or her name, address and occupation, with the local registrar of the district in which he or she resides or may hereafter establish a residence and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State Registrar relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the State Registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year. Provided, that no fee or other compensation shall be charged by local registrars to physicians, midwives or undertakers for registering their names under this section, or making returns thereof to the State Registrar.

§ 17. That all superintendents or managers or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, are hereby required to make a record of all of the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act, that are required in the form of the certificate provided for by this act, as directed by the State Registrar; and thereafter such record shall be made by them for all future inmates at the time of their admission.

And in case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify, for entry in the record, the name of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so; and when they cannot be obtained, they shall be secured in as complete a manner as possible from the relatives, attending physicians or midwives.

§ 18. That the State Board of Health shall prepare, print and supply to all registrars suitable blanks and forms for use in registering, recording and preserving the returns or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the State Board of Health. The State Registrar shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or satisfactory he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory. And all physicians, midwives, or undertakers, connected with any case, are hereby required to furnish such information as they may possess regarding any birth, sickness or death, upon demand of the State Registrar in person, by mail or through the local registrar. He shall, further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births, sickness and deaths registered; the cards to show the name of the child, deceased, place and date of birth, sickness or death, number of certificate, and the volume in which it is contained. He shall inform all registrars that diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the State Board of Health, in order that, when sickness and deaths occur from such diseases, proper precaution may be taken to prevent the spreading of dangerous diseases.

§ 19. That it shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death when presented for record, to see that it has been made out in accordance with the provisions of this act and the instruction of the State Registrar and if any certificate of death is incomplete or unsatisfactory it shall be his duty to call attention to the defects in the return, and to withhold issuing the burial or removal permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker. Provided, that in case the death occurred from some disease that is held by the State Board of Health to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar, except under such conditions as may be prescribed by the State and local boards of health. If a certificate of birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of birth and of death, in two separate series, beginning with "number one" for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the State Registrar. And he shall, on the tenth day of each month, transmit to the State Registrar all original certificates registered by him during the preceding month. And if no births or no deaths occurred in any month, he shall, on the tenth day of the following month, report that fact to the State Registrar, on a card provided for this purpose.

§ 20. That each local registrar, physician or registered midwife shall be entitled to be paid the sum of twenty-five cents respectively for each birh and each death certificate properly and completely made out and registered with him or reported by him, and correctly copied and duly returned to the State Registrar, as required by this act. And

in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report, to that effect, promptly made in accordance with this act. All amounts payable to registrars, physicians or midwives under the provisions of this section, shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the State Registrar. And the State Registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered with the names of the local registrars, and the amounts due each at the rates fixed herein.

§ 21. That the State Registrar shall, upon request, furnish any applicant a certified copy of the record of any birth, sickness or death registered under the provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth, sickness or death when properly certified by the State Registrar to be a true copy thereof, shall be *prima facie* evidence in all courts and places of the facts therein stated. For any search of the files and records when no certificate copy is made, the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received under these provisions and turn the same over to the State Treasurer. Provided, that in cities of the First and Second Classes certified copies of any birth or death may be furnished by the local health authorities. The fee for such copy or search of record to be the same as herein provided, and all such fees shall be paid into the treasurer of said cities.

§ 22. That if any physician, who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver to the undertaker or sexton, or other person in charge of the interment, removal or other disposition of the body, upon request, the medical certificate of cause of death, hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and upon

conviction thereof, shall be fined not less than five dollars nor more than fifty dollars. And if any physician shall knowingly make a false certification of the cause of death, in any case, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars.

And any physician, or midwife, in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in Section 13 of this act, who shall neglect or refuse to file a proper certificate of birth with the local registrar, within the time required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars.

And if any undertaker, sexton, or other person acting as undertaker, shall inter, remove, or otherwise dispose of, the body of any deceased person, without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars.

And any registrar, deputy registrar, or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the State Registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

And any person who shall willfully alter any certificates of birth or death, or the copy of any certificate of birth or death, on file in the office of the local registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court.

Any other person or persons who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information to a physician, undertaker, midwife, or informant, for the purpose of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars, nor more than one hundred dollars.

Any transportation company or common carrier transporting or carrying, or accepting through its agents or employes for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars. Provided, that in case the death occurred outside of the State, and the body is accompanied by a certificate of death, burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial or removal or transit permit may be held to authorize the transportation or carriage of the body into or through the State.

§ 23. That local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision and direction of the State Registrar. And they shall make an immediate report to the State Registrar of any violations of this law, coming to their notice, by observation or upon complaint of any person, or otherwise. The State Registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory power over local registrars, to the end that all of the requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity, or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request,

in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney or official of the proper county municipality, with a statement of the facts and circumstances; and when any such case is reported to them by the State Registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law. And upon request of the State Registrar, the District Attorney shall likewise assist in the enforcement of the provisions of this act.

§ 24. For the purposes of this act, and all other matters, the confidential relations and communications between physician and patient are placed upon the same basis as those provided by law between attorney and client, and nothing in this act shall be so construed as to require any such privileged communication to be disclosed.

§ 25. That Chapter 83, Kentucky Statutes, and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	J. F. Porter,
W. D. Allbright,	Samuel D. Hines,	W. A. Price,
J. W. Berkshire,	O. M. Kelsey,	R. A. Read,
P. W. Berkshire,	Wm. F. Klair,	Geo. W. Reid,

Eli Berry,	J. H. Lackey,	G. T. Reynolds,
O. Houston Brooks,	L. C. Littrell,	H. T. Rich,
Frank J. Brown,	J. H. McWaters,	J. F. Richardson,
J. T. Buford,	Don G. McVean,	S. C. Roberts,
L. H. Carter,	H. J. Meyers,	Sam'l L. Robertson,
W. G. Caudill,	Ben E. Niles,	S. M. Russell,
J. R. Claypool,	W. H. Newell,	H. A. Schoberth,
Z. A. Clore,	L. C. Owings,	S. A. Shanklin,
M. G. Colson,	J. W. Perry,	W. H. Shanks,
Peter J. Cosgrove,	John C. Pirtle,	Geo. C. Waggoner,
S. F. Crabtree,	G. H. Plitt,	Edward A. Weber,
W. L. Craig,	Marion F. Pogue,	J. H. Williams,
G. G. Frazier,	A. H. Points,	L. F. Withers,
F. E. Graves,		—52

Those who voted in the negative were—

H. C. Duffy,	Robt. C. Hill,	L. R. Ray,

Resolved that the title thereof be as aforesaid.

Mr. Lackey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 89. An act to provide for the punishment of persons responsible for or directly promoting or contributing to the condition that renders a child dependent, neglected or delinquent.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any parent or parents, or legal guardian, or person having the custody of any dependent, neglected or delinquent child, as defined by the statutes of this State, or any other person who shall knowingly or willfully encourage, aid, cause, abet or connive at such state of dependency, neglect or delinquency, or shall knowingly or willfully do any act or acts that directly produce, promote or contribute to the conditions which render such child a dependent, neglected or delinquent child, as so defined, or who, having the custody of such child, shall when able to do so, willfully neglect to do that which will directly tend to prevent such state of dependency, neglect or delinquency, or to remove the conditions which render such child either a neglected, dependent or delinquent child, as aforesaid, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more than one hundred ($100.00) dollars, or by imprisonment in the county jail or workhouse for not more than fifty days or both by such fine and imprisonment. Provided, that, instead of imposing the punishment hereinbefore provided, the court shall have the power to enter an order suspending sentence and releasing the defendent from custody on probation, for the space of one year, upon his or her entering into a recognizance, with or without sureties, in such sums as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within a year, and shall provide and care for such dependent, neglected or delinquent child in such manner as to prevent a continuance or repetition of such state of dependency, neglect or delinquency, or as otherwise may be directed by the court, and shall further comply with the terms of such order, then the recognizance shall be void, otherwise it shall remain in full force and effect. If the court be satisfied by information or due proof, under oath, that at any time during the year the defendant has violated the terms of such

order, it may forthwith revoke such order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall, at the end of such year, be discharged and such conviction shall become void.

§ 2. In trials under this act, the person proceeded against shall have the right to a trial by jury which shall be granted as in other cases unless waived. If the finding of the jury be against the person tried their verdict shall so state, in which event, the court in its discretion may enter such judgment as to it seems needful in the premises.

§ 3. The County Courts of the several counties of the State shall have exclusive jurisdiction of all cases coming within the provisions of this act.

§ 4. This act shall be liberally construed in favor of the State for the purpose of the protection of the child from neglect, or omission of parental duty toward the child by its parents, and further to protect the child from the effects of the improper conduct or acts of any person which may cause, encourage or contribute to the dependency, neglect or delinquency of such child—although such person is in no way related to such child.

§ 5. An act entitled "An act fixing and defining the powers of the several county courts within this Commonwealth with reference to persons responsible for, or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent, and providing how such powers may be exercised," approved March 19, 1908, is hereby repealed.

§ 6. If any section of this act shall be held to be invalid, such fact shall not affect any other section of this act, it being the intention of the General Assembly in enacting this act to enact each section separately; and if any proviso or exception contained in any section

of this act shall be held to be invalid, such fact shall not affect the remaining portion of said section, it being the intention of the General Assembly to enact each section of this act and each provision and exception thereto separately.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Peter J. Cosgrove,
G. G. Frazier,
T. D. Graham,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
J. W. Perry,
John C. Pirtle,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
W. A. Price,
L. R. Ray,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
Geo. C. Waggoner,
Edward A. Weber,
J. H. Williams,
L. F. Withers,

—52

Those who voted in the negative were—

W. D. Allbright,
T. M. Bertram,
H. C. Duffy,
Robt. C. Hill,
J. H. McWaters,

—5

Resolved that the title thereof be as aforesaid.

Mr. Pogue moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Klair moved that when the House adjourned it be to meet again on Monday morning next at 11 o'clock.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 14, 1910.

The House was opened with prayer by the Rev. M. B. Adams of the First Baptist Church, Frankfort, Kentucky.

The reading of the Journal of Friday's proceedings was dispensed with.

Mr. Klair moved that the session of this morning be extended indefinitely.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed Bills which originated in the House of the following titles, viz.:

H. B. 28. An act to amend and re-enact Sub-section 4 of Section 1, Article 4 of an act entitled, "An act for the Government of cities

of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, said Sub-section being Sub-section 4 of Section 3058 of the Kentucky Statutes 1903.

H. B. 81. An act to amend an act entitled "An act for the Government of cities of the First Class," approved July 1, 1893, for the better government administration of school systems in cities of the First Class and to create and perpetuate a pension or retiring fund for disabled public school teachers, and to create and perpetuate a Board of Trustees for the management and conduct thereof and to pension members thereof after service of a term of years.

H. B. 258. An act to appeal an act entitled "An act to regulate the practice of barbering, the registration and licensing of persons to carry on such practice and to insure the better education of such practitioners and to insure better sanitary conditions in barber shops, and preventing the spreading of disease in the State of Kentucky."

H. B. 398. An act concerning tenement houses, apartment houses and flat houses in cities of the First Class, and relating to their construction, re-construction, alteration, maintenance, sanitation, inspection, protection, safety, control and regulation, and providing penalties for violation of this act.

H. B. 416. An act to amend an act entitled "An act to regulate child labor, and to make the provisions thereof effective," approved March 18, 1908.

H. B. 491. An act to create the Thirty-fourth Judicial District of Kentucky, and to change the Twenty-sixth and Twenty-seventh Judicial Districts, and provide for holding of courts in the Twenty-sixth, Twenty-seventh and Thirty-fourth Judicial Districts and providing for Judges and Commonwealth Attorneys.

H. B. 423. An act to amend Section B, Sub-section 5, Carroll's Edition of the Kentucky Statutes of 1909, entitled "Fiscal Courts to acquire roads if proposition carries—tax levied and disposition thereof."

H. B. 521. An act to amend Chapter 52, Article 1, Section 1840 of Carroll's Kentucky Statutes.

H. B. 1. An act to amend Sections 2445 and 2447 Kentucky Statutes, and to provide clerk hire for the librarian of the Commonwealth.

H. B. 301. An act to prevent the spread of communicable diseases among domestic animals in the State of Kentucky and to provide greater protection to the live stock interests of the State.

With amendments to the two last named bills.

Mr. McVean offered the following resolution, viz.:

Resolved, that the sum of $483.10 is hereby allowed to pay the expenses of the joint committees on State University and Normal Schools. The said amount is to be paid to the Sergeant-at-Arms of the House who is directed to distribute same. The Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer for said sum to be paid and charged as a necessary contingent expense of the House, and the Clerk of the House is directed to certify this resolution to the Auditor, which shall be his authority for payment of said sum.

Said resolution was adopted.

Mr. Klair moved that when the House adjourned it be to meet at 7:30 o'clock to-night.

Said motion was adopted.

The House took up for consideration from the Clerk's desk a bill entitled:

H. B. 1. An act to amend Sections 2445 and 2447 Kentucky Statutes, and provide Clerk hire for the Librarian of the Commonwealth.

Together with the amendment proposed thereto by the Senate.

(For Bill, see House Journal February 9th.)

The amendment as proposed by the Senate to said bill is as follows, viz.: Amend Section 1, line 6 by striking out the words, "Fifteen Hundred Dollars," and figures "$1,500.00" and insert in lieu thereof the words, "Eighteen Hundred Dollars" and the figures, "$1800.00" and by striking out the words "One Hundred Dollars" and figures "$100.00" in line 19 Section 2, and insert "One Hundred and Twnety-five Dollars" and figures "$125.00."

Said amendments were concurred in.

Said bill as amended was then passed.

The yeas and nays being taken on the passage of the bill as amended, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
H. C. Duffy,
G. G. Frazier,
H. T. Gartin,
T. D. Graham,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
W. H. Newell,
W. V. Perry,
W. F. Pitman,
A. H. Points,
W. A. Price,
G. T. Reynolds,
J. F. Richardson,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Steers,
J. W. Turner,
Geo. C. Waggoner,
W. R. Whitlow,
L. F. Withers,

—55

Those who voted in the negative were—

J. M. Blair,	G. H. Plitt,	S. C. Roberts,
W. G. Caudill,	Marion F. Pogue,	W. Logan Shearer,
Wm. S. Dean,	J. F. Porter,	J. J. Taylor,
L. H. Francis,	L. R. Ray,	E. E. Trivette,
Robt. C. Hill,	R. A. Read,	J. H. Williams,
S. P. Parks,	J. T. Riherd,	J. R. Zimmerman,
J. W. Perry,		

—19

The House took up for consideration from the Clerk's desk a bill entitled:

H. B. 301. An act to prevent the spread of communicable disease among domestic animals of Kentucky, and provide greater protection to the live stock industry of the State.

Together with the amendment thereto proposed by the Senate.

(For Bill see House Journal March 2.)

The amendment as proposed to said bill by the Senate is as follows:

"Strike out Section 8."

Said amendment was concurred in.

Said bill as amended was passed.

The yeas and nays being taken on the passage of the bill as amended were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	W. F. Pitman,
W. D. Allbright,	Robt. C. Hill,	G. H. Plitt,
W. D. Allbright,	Samuel D. Hines,	A. H. Points,
J. W. Berkshire,	John W. Holland,	J. F. Porter,

P. W. Berkshire,	Hite Huffaker,	W. A. Price,
Eli Berry,	R. Dillard Hunter,	R. A. Read,
T. M. Bertram,	W. G. Keen,	G. T. Reynolds,
O. Houston Brooks,	W. T. Kenton,	J. T. Riherd,
Frank J. Brown,	O. M. Kelsey,	Farris Roberts, Jr.,
J. T. Buford,	Wm. F. Klair,	S. C. Roberts,
S. M. Carson,	J. H. Lackey,	S. M. Russell,
L. H. Carter,	John M. Letterle,	S. A. Shanklin,
J. P. Chinn,	H. L. Lewis,	W. H. Shanks,
J. R. Claypool,	L. C. Littrell,	W. H. Southall, Jr.,
Z. A. Clore,	Hugh Mahin,,	John S. Steers,
Peter J. Cosgrove,	J. H. McWaters,	J. J. Taylor,
S. F. Crabtree,	Don G. McVean,	E. E. Trivette,
C. F. Crecelius,	H. J. Meyers,	J. W. Turner,
W. B. Creekmore,	Ben E. Niles,	Geo. C. Waggoner,
Wm. S. Dean,	W. H. Newell,	W. F. Welch,
H. C. Duffy,	L. C. Owings,	W. R. Whitlow,
G. G. Frazier,	S. P. Parks,	J. H. Williams,
Chas. W. Fulton,	C. C. Patrick,	L. F. Withers,
F. E. Graves,	W. V. Perry,	J. R. Zimmerman,
Robt. L. Harris,	John C. Pirtle,	—74

Those who voted in the negative were—

H. T. Gartin,

At the instance of the Committee on Rules.

The House took up for consideration from the orders of the Day a bill entitled:

S. B. 279. An act to amend Sections 205 and 210 of an act providing for the creation and regulation of private corporations which became a law April 5, 1893, being Chapter 171 of the Session Acts of 1891-92-93, and being also Sections 786 and 792, Carroll's Edition of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 205 of an act providing for the creation and regulation of private corporations which became a law on April 5, 1893, being Chapter 171 of Session Acts of 1891-2-3 (being also Section 786 of Carroll's Edition of the Kentucky Statutes), be and the same is hereby amended by adding thereto the following words:

"For failing to comply with this Section or for violating or permitting any of its employes or agents to violate the provisions of this Section, the railroad company shall in addition to subjecting itself to any damages that may be caused by such failure or violation be guilty of a misdemeanor and be fined for each failure or violation not less than $10.00 nor more than $25.00 to be recovered by prosecution in the name of the Commonwealth in any court of competent jurisdiction."

So that said entire section when amended shall read as follows:

Every company shall provide each locomotive engine passing upon its road with a bell of ordinary size, and steam whistle, and such bell shall be rung, or whistle sounded, outside of incorporated cities and towns, at a distance of at least fifty rods from the place where the road crosses upon the same level any highway or crossing at which a sign-board is required to be maintained, and such bell shall be rung or whistle sounded continously or alternately until the engine has reached such highway crossing, and shall give such signals in cities and towns as the legislative authorities thereof may require. For failing to comply with this section or for violating or permitting any of its employes or agents to violate the provisions of this Section, the railroad company shall in addition to subjecting itself to any damages that may be caused by such failure or violation, be guilty of a misdemeanor and be fined for each failure or violation not less than $10.00 nor more than $25.00 to be recovered by prosecution in the name of the Commonwealth in any court of competent jurisdiction.

§ 2. That Section 210 of said act providing for the creation and regulation of private corporations, which became a law on April 5, 1893, being Chapter 171, of the Session Acts of 1891-2-3 (which said Section is also Section 793 of Carroll's Edition of the Kentucky Statutes) be and the same is hereby amended by striking therefrom the words "two hundred and five" as they appear in Chapter 171 of the Session Acts of 1891-92-93, and in striking from said Section 793 of Carroll's Edition of the Kentucky Statutes the figures "786" as they occur in said Section, the penalty for the violation of said Section 205 or Section 786 Kentucky Statutes being hereby changed and being provided for by the first Section of this act.

§ 3. Prosecutions under this act shall not be commenced after the lapse of 130 days from the commission of the offense charged in the prosecution.

Mr. Herrington moved that said bill lie on the table.

Said motion was disagreed to.

Mr. Waggoner offered the following amendment to said bill:

Amend by striking out after the words "steam whistle," where it first appears in Section 1 of said bill, the words "and such bell be rung or whistle sounded," and inserting in lieu thereof the words "and such whistle shall be sounded," and by inserting in said Section after the words "at which a sign board is required to be maintained" the words " and after the engine has passed such sign board," and by striking out the word "steam" where it first appears in said Section and inserting in lieu thereof the letter "A," and further amend by striking out of Section 1 of said bill the words "not less than $10.00 nor more than $25.00," and inserting in lieu thereof the words "not less than $50.00 nor more than $250.00," and by striking from said bill Section 3, which is in words as follows: "Prosecutions under this act shall not be commenced after the lapse of 130 days from the commission of the offense charged in the prosecution."

Said amendment was disagreed to.

Mr. Fulton offered the following amendment to said bill:

Amend by striking out of Section 1 of bill the words "not less than $10.00 nor more than $25.00," and inserting in lieu thereof the words "not less than $50.00 nor more than $250.00." And further amend said bill by striking out Section 3, which is as follows: Section 3. Prosecutions under this act shall not be commenced after the lapse of 130 days from the commission of the offense charged in the prosecution.

Said amendment was disagreed to.

Mr. Holland offered the following amendment to said bill, viz.:

"Amend by striking from Section 1 the words "not less than $10.00 nor more than $25.00," and inserting in lieu thereof the words "not less than $100.00 nor more than $200.00," and by striking out all of the third paragraph of Section 1 which follows the words "so that said entire Section when amended shall read as follows," and inserting in lieu thereof the following: "Every company shall provide each locomotive engine passing upon its road with a bell of ordinary size and a whistle and such whistle shall be sounded outside of incorporated cities and towns at a distance of at least fifty rods from the place where the road crosses upon the same level any highway or crossing at which a sign board is required to be maintained, and immediately thereafter the bell shall be rung or whistle sounded continuously or alternately until the engine has reached such highway or crossing, and shall give such signal in cities and towns as the legislative authorities thereof may require. For failing to comply with this Section or permitting any of its employes or agents to violate the provisions of this Section, the railroad company shall in addition to subjecting itself to any damages that may be caused by such failure or violation be guilty of a misdemeanor and be fined for each failure or violation not less than $100.00 nor more than $200.00 to be recovered by prosecution in the name of the Commonwealth in any court of competent jurisdiction."

Said amendment was disagreed to.

Mr Williams offered the following amendment to said bill, viz.: Amend by adding to said bill Section 4.

"Any railroad company which requires any of its employes to pay any part of a penalty prescribed by this act, or which suspends or attempts to suspend any of its employes or in any other way punishes or attempts to punish any of its employes for a violation of any of the provisions of this act shall be guilty of a misdemeanor and upon conviction be fined in any sum not less than $25.00 nor more than $100.00."

Said amendment was disagreed to.

Mr. Klair offered the following amendment to said bill, viz:

Strike out "130 days" and insert in lieu thereof "six months."

Strike out "$25.00" and insert "$50.00."

Said amendment was agreed to.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with it was read the third time by its title and, as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	H. C. Duffy,	L. C. Owings,
J. W. Berkshire,	L. H. Francies,	S. P. Parks,
P. W. Berkshire,	H. T. Gartin,	J. W. Perry,
Eli Berry,	T. D. Graham,	W. F. Pitman,
T. M. Bertram,	Robt. L. Harris,	G. H. Plitt,
J. M. Blair,	Robt. C. Hill,	Marion F. Pogue,

J. O. Bogie,
O. Houston Brooks,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
Samuel D. Hines,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
Hugh Mahin,,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
W. A. Price,
L. R. Ray,
R. A. Read,
H. T. Rich,
J. T. Riherd,
Farris Roberts, Jr.,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
W. F. Welch,
W. R. Whitlow,
—68

Those who voted in the negative were—

Frank J. Brown,
G. G. Frazier,
Chas. W. Fulton,
L. B. Herrington,
John W. Holland,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
A. H. Points,
J. F. Richardson,
S. C. Roberts,
W. Logan Shearer,
L. F. Withers,
J. R. Zimmerman,
—14

Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Calendar, bills of the following titles, viz:

S. B. 311. An act authorizing stock life insurance companies to establish a guaranty fund.

S. B. 70. An act to amend an act entitled "An act for the creation and regulation of private corporations," being an act relating to the subject of insurance, and the transaction of the business of life or casualty insurance, or both life and casualty insurance, upon the co-operative or assessment plan.

S. B. 59. An act to amend Section 4949, Chapter 122, Kentucky Statutes.

H. B. 464. An act to provide for the increased efficiency of the common schools, to secure better teachers therefor and to induce men and women to enter and to remain in the profession of teaching.

S. B. 36. An act to provide for the teaching of literature in the common schools of the Commonwealth of Kentucky.

S. B. 248. An act authorizing the formation of corporations, authorized to do a trust, banking and title insurance business.

S. B. 220. An act for the promotion of agriculture and horticulture among the negroes, providing for industrial institutes and appropriating annually five thousand dollars therefor.

S. B. 179. An act amending Section 965 of Kentucky Statutes relative to the time of holding Courts in the Sixth Circuit Court District of Kentucky.

S. B. 313. An act to amend Section 3643, Kentucky Statutes.

S. B. 255. An act for the benefit of Joseph Morris.

S. B. 192. An act defining public drunkenness and fixing punishment therefor.

S. B. 278. An act providing that the sum of twenty-five thousand dollars be appropriated to be expended by the Board of Penitentiary Commissioners for the purpose of erecting a hospital *et cetera.*

S. Res. 19. Resolution for the benefit of the members of the General Assembly.

Ordered that said bills and resolutions be read the second time.

The provision of the Constitution as to the second reading of said bills and resolutions at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills and resolutions be placed in the Orders of the Day.

The hour of 11 o'clock a. m. having arrived, the House took up for consideration the special order of the day for that hour, to-wit: A bill entitled:

S. B. 199. An act authorizing the Secretary of State to appoint examiners of State Banking Institutions, trust companies, banking and loan associations, savings and loan associations, combined banks and trust companies, and defining their duties and that of the Secretary of State, and providing compensation for said duties.

(For bill, substitute and pending amendment, see yesterday's journal.)

Mr. Schoberth offered the following amendment to the original bill:

Amend the bill by striking out Section 1 and inserting in_____

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length being dispensed with, they were severally read the second time by their titles.

Ordered that said bills be placed in the Orders of the Day.

A message was received from the Governor announcing that he returns to the House, a bill which originated in this body entitled:

H. B. 347. An act to regulate the establishment of industrial schools.

Without his approval and signature, together with a message setting forth his objections to said bill and the reasons therefor.

(For bill see House Journal, February 26th.)

The message of the Governor setting forth his objections to said bill, and the reasons therefor, is as follows, viz:

STATEMENT OF GOVERNOR'S OBJECTIONS TO HOUSE BILL No. 347.

AN ACT TO REGULATE THE ESTABLISHMENT OF INDUSTRIAL SCHOOLS.

This is an act which, while general in its terms, was framed for the local and specific purpose of preventing the establishment of the Lincoln School, an industrial school to educate negro students in industrial arts and callings. That school, under the existing laws and in good faith, has paid about $37,000.00 for land in Shelby County. Some local opposition arising, an appeal has been made to race prejudice, and that appeal has influenced the adoption of this bill, the effect of which will be to injure if not to destroy the beneficent purposes of this institution for which humane people all over the country have contributed a large sum of money.

If I thought that the establishment of that school or any useful and properly endowed industrial school for negroes would injure any locality, I should take pleasure in signing this bill. There is a very strong feeling in this Commonwealth in favor of educating the negroes to useful arts instead of devoting public moneys or generous private contributions to mere classical schools or "book learning." The State has maintained a very friendly and kindly policy towards schools for the education of the negro people. The State Normal is supported in the State in a generous and honorable public spirit to educate teachers, and this General Assembly has shown in many ways a humane and kindly spirit towards the negroes.

This bill, which is really for a special purpose, and not as a general law, is an exception to the fine spirit shown generally by this body in regard to the negroes, and I think it is an unfair exception. It is my belief that this school gives great promise not only of noble work in the highest degree honorable to Kentucky and its people in training negroes for useful and helpful lives and in honorable and useful ways of making a living, but also that wherever located, it will be a source of great benefit, profit and advantage to the people of the locality. It will furnish a market for a great many thousand dollars worth of produce of Shelby County and the adjoining neighborhoods. It will attract the negroes in its vicinity to useful work by its good example and its useful teachings. It will be under the control of high-minded and honorable men who will preserve discipline, and the imaginary danger of the location of the students in a neighborhood will not be realized. There will be no danger of any lawlessness, disorder or bad example. It will be good for all of the people, but if this law is adopted, this local prejudice, which is much less in my judgment than appears on the face of this matter, will excite people in other neighborhoods, and there may be difficulty in securing a suitable location, and at any rate, this bill accomplishes no good purpose, does not make for the business, moral or spiritual welfare of Kentucky or this great class of its working people, but is a new stigma, set back and discouragement, and a new and heart-breaking burden to these already poor and helpless. I can not yield my approval to a measure which hurts or discourages any good school or any noble effort to better the condition of those who are poorest and have the hardest time in life. I shall try in every way in my power to uphold and protect all good schools for both white and black throughout Kentucky as long as I have either official power or personal influence to help them.

In the county in Virginia near to Hampton Institute, which was founded for the same purposes for which the Lincoln Institute is founded, ninety per cent of its negro farmers own their own farms. I am advised that recent investigation has shown that out of nearly

8000 graduates from ten Southern Colored Schools solicited at random, not more than ten persons have ever been convicted of a criminal offense. Useful education under humane auspices will do more to decrease the offenses charged against these people than all the courts. Fifty thousand dollars has been raised in Kentucky for this school. Our people feel that industrial training rather than academic is the greatest need for the negro. This measure shows that it is purely local legislation in that it does not apply to negro colleges or academies with any amount of land around them, but only applies to industrial schools to the need of which the whole world is awakening. This bill imposes no restriction on schools to teach Latin and Greek, but puts this institution and all institutions like Hampton and Tuskogee on the black list. This bill puts an embargo on the kind of education for which this age most earnestly calls. The restriction to 75 acres brings the school nearer to the neighbors instead of farther from them. In a large tract of land they could be very well separated. On a small tract of land they must be close. All agree that the country is the best place for the negro, the place where he is most needed, the place where he is most useful, and one of the greatest reproaches to the negroes is their tendency to leave the country and flock to the cities. It is deplored by thoughtful men everywhere. There is not a farmer in Kentucky who does not deplore the dearth of intelligent help on the farm, but what sort of intelligent teaching can there be of farming, gardening, stock raising, etc., for a school of several hundred pupils, when they are allowed but seventy-five acres? It has been wisely said that to teach agriculture properly there must not only be class room work and field experiments, but an illustration of a farm made financially profitable. The young people will not turn to farming for the love of the soil, but because they learn how to make a farm pay. Of course, on 75 acres several hundred students will have no room left after that used for buildings, etc., to make a farm profitable. This bill in exempting cities of the First, Second, Third and Fourth Classes exerts a pressure for the establishment of negro schools near the cities where the country boys and girls will get a taste of city life and become unwilling to go back to the country, and the city boys and

girls will certainly not be drawn to the country through their experience in a school near the city, so that this bill will exert a constant pressure for the negroes to flock into the cities. This school could be located in Shelbyville without taking a vote of the precinct, but it provides that there must be a vote of the precinct if it is located in the county far from the city, so that it directly conflicts with the conclusions to which the wisest students of the negro problem have come after long and wise investigation.

If this bill becomes a law and forces the schools to locate near the cities, it will force them to buy expensive land in localities where farming can not be taught successfully and where the money needed for the industrial education of the young negroes will have to be used in buying the land. It is plain that without this law, land could be purchased in the ordinary way at the usual prices in sufficient quantity for a school, but whenever an election is called under this bill, the property holders will naturally take advantage of the notice of the location to raise the price of the lands in that precinct. The school can not buy until the precinct shall vote for it, and therefore it will be always compelled to buy after an election when the land owners in the vicinity can take advantage of the situation. As shown by the pamphlet written in opposition to this measure, the fears of disorder and danger from the location of the school are purely imaginary. The names of the men who are trustees of this school are names known to the whole State. They are men in whose administration or care all disorder and lack of discipline would be impossible. Such men as A. Y. Ford, Vice President of the Columbia Trust Company at Louisville; Rev. James Bond, of Williamsburg; President William G. Frost, of Berea; Theodore K. Curtis, Superintendent of Machinery of the L. & N.; John B. Atkinson, Rev. Edward L. Powell, Dr. Joseph B. Marvin, State Superintendent of Education, Rev. A. Eugene Thomson, Col. Morris B. Belknap, Capt. George W. Norton, Charles C. Stoll, Alex. Barret and Theodore Ahrens, of Louisville, are men who can be trusted not only to furnish the inspiration and care for a noble and

useful school, but who can be trusted as implicitly as any citizen of Shelby County or anywhere else in this State to protect the good people of any locality where the school is carried on, from all danger or disagreeable experiences.

Educated farmers will produce more from every acre, and greater production is the only way to lower prices of living. There is no greater need in Kentucky to-day than to make better men and women, better citizens and more useful people of the generation of young negroes who are growing up. The limitation which requires a vote of the precinct when more than seventy-five acres are needed for an institution will hamper great law, divinity, medical and training schools which require more than that, in the same way as it does in this institution. They will be exposed to having the price of lands raised on them. This bill gives no protection against a negro settlement growing about a negro school. Such a settlement it is well said would be more likely to be formed about a school with 75 acres than one with 450 acres, and the by-law of the Lincoln Institute provides that the institute shall admit only students who reside on its premises, and thus gives no inducement to negroes to buy land and establish homes near the institute, and the objections are well summed up in the statement that this bill should be disapproved because the restriction to 75 acres is more likely to lead to the objections urged in support of this bill than a school with more than 75 acres, because it is against the judgment of the most thoughtful students in the South of the educational problem regarding the negroes; because it is opposed to the financial and business welfare of the State; because it is contrary to the best plans for the education of the white race as well as the black and because it is contrary to the spirit of Kentucky, of the United States and of the most honored civilized customs.

For these reasons I feel constrained to return this measure without my approval this fourteenth day of March, Nineteen hundred and ten.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

Thereupon the House proceeded, as provided by the Constitution, to reconsider said bill.

After such reconsideration the question was taken upon the passage of said bill, the objections of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken on the passage of said bill, the objections of the Governor to the contrary notwithstanding, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	W. V. Perry,
J. W. Berkshire,	F. E. Graves,	John C. Pirtle,
P. W. Berkshire,	Robt. C. Hill,	W. F. Pitman,
Eli Berry,	Samuel D. Hines,	Marion F. Pogue,
O. Houston Brooks,	John W. Holland,	J. F. Porter,
Frank J. Brown,	R. Dillard Hunter,	L. R. Ray,
J. T. Buford,	W. T. Kenton,	Geo. W. Reid,
L. H. Carter,	O. M. Kelsey,	G. T. Reynolds,
W. G. Caudill,	Wm. F. Klair,	J. F. Richardson,
J. P. Chinn,	J. H. Lackey,	J. T. Riherd,
Henry Chunn,	John M. Letterle,	S. C. Roberts,
J. R. Claypool,	L. C. Littrell,	Sam'l L. Robertson,
Z. A. Clore,	Hugh Mahin,,	S. M. Russell,
Peter J. Cosgrove,	J. H. McWaters,	H. A. Schoberth,
S. F. Crabtree,	Don G. McVean,	S. A. Shanklin,
W. L. Craig,	Frank S. Moore,	W. H. Shanks,
C. F. Crecelius,	R. H. Moss,	John S. Steers,
H. C. Duffy,	H. J. Meyers,	Geo. C. Waggoner,
G. G. Frazier,	Ben E. Niles,	W. R. Whitlow,
Chas. W. Fulton,	W. H. Newell,	L. F. Withers,
H. T. Gartin,	L. C. Owings,	J. R. Zimmerman,

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Those who voted in the negative were—

W. D. Allbright,	S. B. Johnson,	Farris Roberts, Jr.,
T. M. Bertram,	W. G. Keen,	W. Logan Shearer,
S. M. Carson,	H. L. Lewis,	W. H. Southall, Jr.,

M. G. Colson,	S. P. Parks,	J. J. Taylor,
Albert J. Counts,	C. C. Patrick,	E. E. Trivette,
W. B. Creekmore,	G. H. Plitt,	J. W. Turner,
Wm. S. Dean,	A. H. Points,	W. F. Welch,
L. H. Francies,	R. A. Read,	J. H. Williams,
Robt. L. Harris,	H. T. Rich,	—26

Ordered that the Clerk of this House deliver said bill, with the objections of the Governor thereto, to the Senate, with the announcement of the action taken thereon by the House of Representatives in order that the Senate may, in accordance with the provisions of the Constitution reconsider said bill.

After a time the Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 181. An act providing for the payment of the expenses of the Tax Revision Commission and the Advisory Commission and appropriating money therefor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sum of twenty-three hundred and twenty-two dollars and fifty-seven cents, payable out of any money in the Treasury not otherwise appropriated, said warrant to be made payable to the order of Charles E. Hoge, Treasurer of the Tax Revision Commission, and same to be distributed by him to the various parties entitled to same, upon orders drawn on him by the Chairman of the Tax Revision Commission, or the Chairman of the Advisory Commission, attested by the Secretary of said Commission.

§ 2. This act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	R. Dillard Hunter,	A. H. Points,
J. W. Berkshire,	W. G. Keen,	J. F. Porter,
J. O. Bogie,	W. T. Kenton,	W. A. Price,
J. T. Buford,	O. M. Kelsey,	L. R. Ray,
S. M. Carson,	Wm. F. Klair,	Geo. W. Reid,
L. H. Carter,	John M. Letterle,	G. T. Reynolds,
W. G. Caudill,	J. H. McWaters,	J. F. Richardson,
J. P. Chinn,	Don G. McVean,	J. T. Riherd,
J. R. Claypool,	R. H. Moss,	S. C. Roberts,
Z. A. Clore,	H. J. Meyers,	Sam'l L. Robertson,
Peter J. Cosgrove,	Ben E. Niles,	H. A. Schoberth,
C. F. Crecelius,	W. H. Newell,	S. A. Shanklin,
H. C. Duffy,	L. C. Owings,	W. H. Shanks,
G. G. Frazier,	C. C. Patrick,	J. W. Turner,
H. T. Gartin,	W. V. Perry,	Geo. C. Waggoner,
T. D. Graham,	W. F. Pitman,	W. R. Whitlow,
F. E. Graves,	G. H. Plitt,	J. H. Williams,
John W. Holland,	Marion F. Pogue,	L. F. Withers,
Hite Huffaker,		

—55

Those who voted in the negative were—

W. D. Allbright,	S. F. Crabtree,	J. W. Perry,
T. M. Bertram,	Wm. S. Dean,	R. A. Read,

—6

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 336. An act appropriating money to refund interest paid on Auditor's warrants issued to the three State asylums and the Kentucky Institution for Feeble-minded Children; to pay indebtedness incurred in the erection and equipment of power plant at the Kentucky Institution for Feeble-minded Children; and for the construction of an adequate water system at the Central Kentucky Asylum for the Insane.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whereas, it has become necessary for the Kentucky State Board of Control for Charitable Institutions, from time to time, during the yeas 1908 and 1909, to make arrangements with certain banks of the State to cash State warrants outstanding in favor of the four institutions under the supervision of said board and to pay interest thereon at the rate of five per cent per annum, and, whereas, said contract and arrangement on the part of said board has resulted in much savings to the State in the purchase of supplies, in that it invited and resulted in sharper competition and lower prices than could possibly have been made on a credit basis, and, whereas, said contract and arrangements has resulted in the payment of interest as follows, to-wit: Central Kentucky Asylum for the Insane to the Third National Bank of Louisville, Kentucky, $2,248.07; Western Kentucky Asylum for the Insane to the Commercial & Savings Bank of Hop-

kinsville, Kentucky, $1,899.33; Eastern Kentucky Asylum for the Insane to the Lexington City National Bank of Lexington, Kentucky, $1,594.30; and Kentucky Institution for Feeble-minded Children to the State National Bank of Frankfort, Kentucky, $265.38; making a total amount of six thousand and seven hundred dollars and eight cents ($6,007.08) interest paid by all of said institutions. Therefore, there is hereby appropriated out of the general revenues of the State, for the use and benefit of the Central Kentucky Asylum for the Insane at Lakeland, Kentucky, the sum of two thousand two hundred and forty-eight dollars and seven cents ($2,248.07); for the use and benefit of the Western Kentucky Asylum for the Insane at Hopkinsville, Kentucky, the sum of one thousand eight hundred and ninety-nine dollars and thirty-three cents ($1,899.33); for the use and benefit of the Eastern Kentucky Asylum for the Insane at Lexington, Kentucky, the sum of one thousand five hundred and ninety-four dollars and thirty cents ($1,594.30); for the use and benefit of the Kentucky Institution for Feeble-minded Children at Frankfort, Kentucky, the sum of two hundred and forty-six dollars and seventy-two cents ($246.72); for the purpose of refunding to said institutions said interest, and for no other purpose.

§ 2. Whereas, out of appropriations made at the Legislative sessions of the years 1906 and 1908 there was erected a new dormitory at the Kentucky Institution for Feeble-minded Children, with a capacity of over two hundred inmates requiring a large increase of heating power, and also because of the old and dilapidated condition of the existing heating plant, which was totally inadequate for the then health and warmth of the inmates, it became absolutely essential, to meet an immediate crisis, to construct a new power plant, with heating apparatus of sufficient power to warm the old and new building, and the Kentucky State Board of Control for Charitable Institutions was compelled on account of the near approach of winter, to contract for and erect said power plant, incurring a liability of about twenty-five thousand ($25,000.00) dollars, and forcing said board to borrow money to pay for said improvement. Therefore, there is hereby appropriated

out of the general revenues of the State the sum of twenty-five thousand ($25,000.00) dollars, or so much thereof as is necessary, for the purpose of paying said indebtedness incurred in the erection and equipment of said power plant, and for no other purpose.

§ 3. Whereas, there is now at the Central Kentucky Asylum for the Insane, at Lakeland, no sufficient water supply, thus exposing, as it does, some fourteen hundred insane people to the ravages of fire, and, whereas, it appears that all possible sources of water supply for said institution have been eliminated by unsuccessful trial, except a connection and contract with the Louisville Water Company, and, whereas, it appears from actual survey and careful calculation, that the distance from said Louisville Water Company's plant to said asylum is 40,400 feet; that the estimated cost of laying an eight-inch cast iron pipe said distance is $50,000.00. and, whereas, it will be necessary, in order to obtain sufficient fall, to construct a basin, erect a stand pipe, and install certain pumps and connections to deliver the water to said asylum, the estimated cost of which is $15,000.00, therefore, there is hereby appropriated out of the general revenues of the State, for the use and benefit of the Central Kentucky Asylum for the Insane at Lakeland, Kentucky, the sum of sixty-five thousand ($65,000.00) dollars, to be expended in the laying of such pipe line, construction of water basins, installation of pumps and other apparatus for the completion of an adequate water supply system for said asylum, and for no other purpose.

§ 4. The money hereby appropriated shall be drawn on draft of the Kentucky State Board of Control for Charitable Institutions, and upon such draft, or drafts, not exceeding in the aggregate the sum aforesaid, being made upon him, the Auditor of Public Accounts shall draw his warrant or warrants upon the Treasurer of this State in favor of the contractors who shall do the work for any sum or sums of money, not exceeding the amount hereby appropriated to said institution.

§ 5. The president of the Kentucky State Board of Control for Charitable Institutions shall advertise for bids for furnishing all labor and materials of every kind and description necessary for the construction, erection and completion of said water system as contemplated in this act, except such labor and material, if any, as may be furnished by the employes or patients of said institution, and all such bids shall be opened in the presence of the Kentucky State Board of Control for Charitable Institutions, and shall be the duty of the latter to accept such bid or bids, as it may deem the lowest and best, and if, in its judgment all or any of such bids shall be unsatisfactory, said Board of Control may reject any and all such bids, and readvertise for others in the same manner, and so on until it shall be satisfied with such bids and tenders, and when contracts for furnishing all labor and materials of every kind and description necessary for the construction, erection and completion of said water system shall have been made in accord with said bids, made and entered into, the Board of Control shall retain from the contract price thereof, an amount sufficient to secure the faithful and complete performance of any and all such contracts and shall not pay the money so retained nor any part thereof, until such contract or contracts have been fully and faithfully performed and the work accepted and approved by the Kentucky State Board of Control of Charitable Institutions.

§ 6. All contractors under this act shall be required to give bond, approved by the Kentucky State Board of Control for Charitable Institutions, for the faithful performance of their duty, and said board shall not pay, or cause to be paid, any part of the money appropriated by this act, to any contractor or other person or persons employed in the construction, erection or furnishing materials for the construction of said water system authorized by this act, until such contractor or contractors or other persons aforesaid shall deliver to said board an itemized statement and account of all materials so furnished, all labor performed for which payment may be requested or demanded, which said itemized statement or account shall be approved and endorsed by the superintendent of the institution at which said improve-

ments are made and is approved by the Kentucky State Board of Control for Charitable Institutions, the president and secretary of said Board of Control shall note the said facts in the form of a certificate and the same shall be paid as other accounts or bills or claims against said institutions are paid by order of the Kentucky State Board of Control for Charitable Institutions thereof; but the money hereby appropriated shall be kept separate and accounted for in separate and distinct statements and accounts of disbursements.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
T. M. Bertram,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
Chas. W. Fulton,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
Hugh Mahin,,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
C. C. Patrick,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
W. A. Price,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,

Wm. S. Dean,	W. H. Newell,	John S. Steers,
L. H. Francies,	L. C. Owings,	Geo. C. Waggoner,
G. G. Frazier,	S. P. Parks,	W. R. Whitlow,

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Those who voted in the negative were—

Sidney G. Clay,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 322. An act to amend and re-enact Sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled "An act concerning Conveyance," approved April 22, 1893, and being Sections 501, 502, 503, 506, 507, 508 and 514, Chapter 29 of Kentucky Statutes, compiled by John D. Carroll and issued in 1909; and to amend and re-enact Section 1 of an act entitled "An act to cure certain defective certificates of Proof Deeds and to make copies from the records *prima facie* evidence in the Courts and tribunals of this State," approved March 24, 1902, and being Section 519a of said Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 12 of an act entitled "An act Concerning Conveyances," approved April 22, 1893, and being Section 501 of Chapter 29 of the Kentucky Statutes compiled by John D. Carroll and

issued in 1909 be, and it is hereby amended by striking out the words "by persons other than married women," in the first line thereof, and inserting in lieu thereof the words "by married women, or other persons," and re-enacting so as to read as follows:

"Deeds executed in this State, by married women, or other persons, may be admitted to record.

1. On the acknowledgment, before the proper clerk or notary public, by the party making the deed.

2. Or by the proof of two subscribing witnesses, or by the proof of one subscribing witness, who shall also prove the attestation of the other.

3. Or by proof by two witnesses that subscribing witnesses are both dead, and also like proof of the signature of one of them and of the grantor.

4. Or by like proof that both of the subscribing witnesses are out of the State, or that one is so absent and the other is dead; and also like proof of the signature of one of the witnesses and of the grantor.

5. Or on the certificate of a clerk of a County Court of this State or notary public, that the same had been acknowledged or proved before him, as required by this section."

§ 2. That Section 13 of said act, and being Section 502 of said Kentucky Statutes, be amended by striking out the words "by persons other than married women," and inserting in lieu thereof "by married women or other persons," and re-enacting so as to read as follows:

"Deeds executed out of the State and within the United States, by married women or other persons, may be admitted to record, when the same shall be certified, under his seal of office, by the clerk of a

court, or his deputy, or by a notary public, mayor of a city, or Secretary of State, or commissioner to take the acknowledgment of deeds, or by a judge, under the seal of his court, to have been acknowledged or proved before him in the manner hereby required."

§ 3. That Section 14 of said act, and being Section 503 of said Kentucky Statutes, be amended by striking out the words " by persons other than married women," and inserting in lieu thereof "by married women or other persons," and re-enacted so as to read as follows:

"Deeds executed out of the United States, by married women or other persons, may be admitted to record, when the same shall be certified by any foreign minister or consul, or Secretary of Legation of the United States, or by the Secretary of Foreign Affairs, certified under his seal of office, or the judge of a superior court of the nation where the deed shall be executed, to have been acknowledged or proven before him in the manner prescribed by law."

§ 4. That Section 17 of said act, and being Section 506 of said Kentucky Statutes, be and the same is hereby repealed, and there is hereby enacted in lieu thereof as follows:

"The conveyance may be by the joint deed of husband and wife, or by separate instrument; but in the latter case the husband must first convey, or have theretofore conveyed. The deed as to both husband and wife may be acknowledged or proven and recorded as heretofore, or by this act provided."

§ 5. That Sections 18 and 19 of said act, and being Section 507 of said Kentucky Statutes, be, and the same is hereby repealed, and there is hereby enacted in lieu thereof as follows:

"Where the acknowledgment of a deed shall be taken by an officer of this State or by an officer residing out of this State, he may simply certify that it was acknowledged before him, and when it was done."

§ 6. That Section 20 of said act, and being Section 508 of said Kentucky Statutes, be and the same is hereby repealed, and there is hereby enacted in lieu thereof as follows:

"Any married woman, resident in this Commonwealth or elsewhere, may, by agent, convey any interest she may have in personal or real estate, situated in Kentucky, and which she could lawfully convey in person. But such conveyance must be made in virtue of a power of attorney executed and acknowledged or proven, as deeds by married women are by law required to be."

§ 7. That Section 26 of said act, and being Section 514 of said Kentucky Statutes, be and the same is hereby amended and re-enacted by adding thereto the following: "And no conveyance of real estate heretofore made by a married woman, or other person, shall be adjudged to be void or invalid, because the same was not certified, proven, or lodged for record as heretofore required, provided the same was or is certified or proven in the manner by this act authorized," so that said section, when amended, shall read as follows:

"No conveyance of real estate heretofore made by a married woman or other person shall be adjudged to be void or invalid because of a failure by the county clerk to incorporate in his certificate to such conveyance the indorsement of acknowledgment which may have been made by his deputy thereon. When acknowledgment to conveyances of real estate have heretofore been taken by a deputy clerk, and a note or memorandum thereof indorsed by him on such conveyance, and a certificate of such acknowledgment has been afterward written out by the principal clerk and signed by him as having been done by such deputy, or as if the acknowledgment had been before such principal clerk, such conveyance and certificate, and the recording thereof, shall be held to be valid although the note or memorandum made by the deputy may not have been copied into said certificate. And no conveyance of real estate heretofore made by a

married woman or other person shall be adjudged to be void or invalid because the same was not certified, proven, or lodged for record as heretofore required, provided the same was or is certified or proven in the manner by this act authorized."

And be it further enacted:

§ 8. That Section 1 of an act entitled "An act to cure certain defective certificates of proof deeds and to make copies from the records *prima facie* evidence in the Courts and tribunals of this State," approved March 24, 1902, and being Section 519a of said Kentucky Statutes, be amended by striking out the words "by a person other than a married woman," and inserting in lieu thereof the words, "by a married woman or other person," and re-enacted so as to read as follows:

"Wherever a certificate admitting to record a deed executed in this State, by a married woman or other person, shows that such deed was admitted to record on the proof of one of the subscribing witnesses thereto, it shall be presumed that such subscribing witness proved the attestation of the other subscribing witness as well as the execution thereof by the grantor; and a certified copy of any such deed which has been or which may hereafter be, recorded in the proper clerk's office shall be *prima facie* evidence in all Courts and tribunals of this State."

§ 9. All laws, and parts of laws, in conflict herewith are hereby repealed to the extent of such conflict.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
Wm. S. Dean,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
T. D. Graham,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,

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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 320. An act requiring Fiscal Courts to levy a tax to create sinking fund for the purpose of erecting and equipping suitable court houses and other public buildings, and prescribing penalty for failure to perform such duty.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Fiscal Court or court of claims in each and every county in this Commonwealth, in which there is no court house or jail, to levy and have collected, annually, a tax of not less than ten cents on each one hundred dollars' worth of taxable property in such county as shown by the last returned assessment, and set the same apart for that purpose, until a sufficient fund shall have been accumulated to erect and equip, at the county seat, a convenient and suitable court house and jail for said county; said funds when so levied and collected shall be used only for the purposes for which it was created.

§ 2. A failure on the part of the members, or of any member of the Fiscal Court of any county in this State, to comply with or perform the duties required by this act, shall constitute misfeasance in office, and upon their indictment and conviction, or upon the indictment and conviction of any member, he or they shall be punished accordingly, and each year such Fiscal Court, or any member thereof, shall fail or refuse to make said levy and collect said tax is hereby declared to be a separate offense.

§ 3. For the purposes of this act the Fiscal Court shall consist of the justices of the peace and the county judge of the county: Provided, however, that the county judge shall not be deemed guilty

of a violation of this act unless he shall have a vote upon said question, and cast his vote against said levy: Provided, further, that each member of said court who shall vote in favor of said levy, and cause his vote to be so recorded, shall not be guilty under this act.

§ 4. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	W. A. Price,
W. D. Allbright,	Robt. L. Harris,	R. A. Read,
J. W. Berkshire,	L. B. Herrington,	Geo. W. Reid,
Eli Berry,	John W. Holland,	G. T. Reynolds,
J. M. Blair,	R. Dillard Hunter,	J. F. Richardson,
J. O. Bogie,	S. B. Johnson,	J. T. Riherd,
O. Houston Brooks,	W. T. Kenton,	Farris Roberts, Jr.,
Frank J. Brown,	O. M. Kelsey,	S. C. Roberts,
J. T. Buford,	John M. Letterle,	Sam'l L. Robertson,
I. H. Carter,	L. C. Littrell,	S. M. Russell,
W. G. Caudill,	Hugh Mahin,,	H. A. Schoberth,
J. P. Chinn,	J. H. McWaters,	S. A. Shanklin,
Henry Chunn,	Frank S. Moore,	W. H. Shanks,
Sidney G. Clay,	H. J. Meyers,	W. Logan Shearer,
J. R. Claypool,	W. H. Newell,	W. H. Southall, Jr.,
Z. A. Clore,	L. C. Owings,	John S. Steers,
Peter J. Cosgrove,	S. P. Parks,	E. E. Trivette,
S. F. Crabtree,	J. W. Perry,	J. W. Turner,
W. L. Craig,	W. V. Perry,	Geo. C. Waggoner,

C. F. Crecelius,	W. F. Pitman,	Edward A. Weber,
Wm. S. Dean,	G. H. Plitt,	W. F. Welch,
H. C. Duffy,	Marion F. Pogue,	W. R. Whitlow,
L. H. Francies,	A. H. Points,	J. H. Williams,
G. G. Frazier,	J. F. Porter,	L. F. Withers,
Chas. W. Fulton,		

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Those who voted in the negative were—

L. R. Ray, J. R. Zimmerman,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 5. An act to amend Section 3490, Subsection 22 of the Kentucky Statutes relating to cities of the Fourth Class.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3490, Subsection 22, of the Kentucky Statutes, Carroll's Edition of 1909, be and the same is hereby amended by adding to said subsection the following: "Whenever property is needed for municipal purposes, and for the purposes mentioned in this section, and an ordinance is enacted so declaring, the proper authorities of the city may, if compensation therefor cannot be agreed upon, proceed

to condemn the same in the manner provided for the condemnation of land for railroad purposes," so that said subsection when amended shall read as follows:

"Section 22. Workhouse, Poorhouse—Burial Ground—Public Library. To erect a workhouse, poorhouse, stationhouse and house of correction, or all or either of them, and to provide for the maintenance, regulation and government thereof, and of the persons confined therein, and to provide, maintain and regulate a public burial ground; to establish, maintain and regulate a local library, and raise subscriptions, donations and gifts thereto.

"Whenever property is needed for municipal purposes, and for the purposes mentioned in this section, and an ordinance is enacted so declaring, the proper authorities of the city may, if compensation thereof cannot be agreed upon, proceed to condemn the same in the manner provided for the condemnation of land for railroad purposes."

§ 2. That all acts and parts of acts in conflict with this act be, and the same are hereby repealed.

§ 3. Because of the necessity in providing sufficient burial ground in some of the cities of the Fourth Class in this Commonwealth, an emergency is declared to exist, and this act shall take effect immediately upon its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	Robt. L. Harris,	G. H. Plitt,
J. W. Berkshire,	L. B. Herrington,	Marion F. Pogue,
Eli Berry,	John W. Holland,	J. F. Porter,

J. M. Blair
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Albert J. Counts,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
F. E. Graves,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,,
J. H. McWaters,
Don G. McVean,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 41. An act designating electrocution as the means of inflicting the death sentence.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the period that this law shall take effect the mode of the execution of a death sentence must in every case be

by causing to pass through the body of the condemned a current of electricity of sufficient intensity to cause death as quickly as possible, and the application of such current must be continued until the condemned is dead. All executions of the death penalty by electrocution shall take place within the walls of the State Penitentiary hereafter indicated by the Board of Prison Commissioners, and in such inclosure as will exclude public view thereof.

§ 2. The Sheriff and Jailer of the county in which the condemned under sentence of death is confined, shall, upon the order of the court in which the condemned was sentenced, cause said condemned person to be conveyed as expeditiously, privately and safely as may be, to said penitentiary, and to deliver said condemned person, together with a duly certified copy of the judgment ordering the execution, to the Warden of said penitentiary, and the Warden thereof shall receive said condemned person and safely keep the same until the day designated for the execution, unless said condemned person be otherwise disposed of by due course of law. Said Sheriff shall be paid therefor the same fees as are now allowed Sheriffs for the conveyance of persons convicted of felony to the penitentiary.

§ 3. The Warden of said penitentiary or his deputy shall proceed at the time and place named in the judgment of the court in which the condemned person was tried and convicted to cause the same to be electrocuted according to the provisions of this act, before sunrise on the day designated in the judgment aforesaid, unless the execution be stayed by due process of law. The Warden or his deputy executing the death sentence shall be paid therefor the sum of twenty dollars from the State Treasury.

§ 4. The electrician and the Warden of said penitentiary and his deputy or deputies and guards, the sheriff of the county in which the condemned was convicted, the prison commissioners, the physician and chaplain of the penitentiary, and a clergyman and three other persons selected by the condemned, and one representative of every

newspaper published in the county in which the condemned was convicted, and one representative of every daily newspaper published in the State, may attend such execution, but no other person shall be permitted to be present.

§ 5. The Warden of said penitentiary shall make due return on the copy of the judgment of the court pronouncing the death sentence, of the manner, time and place of its execution by him, which return shall be made by the clerk of said court filed in the paper of the cause in his office.

§ 6. The body of the condemned shall be delivered to any friend or relative making request therefor, and the State shall pay the expense for the return of the body to its home, not to exceed $30.00, but if no such request is made, it shall be buried, and the cost of such burial not to exceed $30.00, shall be a claim against the Treasury of the State.

§ 7. If the condemned under sentence of death escapes from custody and be recaptured after the expiration of the date fixed for the execution, the Governor, upon being notified of such recapture by the Warden of said penitentiary in writing, shall send his warrant of execution to said Warden by special messenger and shall name therein the day of execution and thereupon the Warden shall proceed to the execution thereof according to the provisions of this act.

§ 8. If the condemned under sentence of death be insane or pregnant with child on the day designated for the execution, said execution shall be suspended until said condemned be restored to his or her right mind or until she be delivered of child, and then said execution shall take place under the warrant of the Governor and at the time therein designated by him, unless stayed by due process of law.

§ 9. There shall be installed and erected in the State penitentiary under direction and management of the Prison Commission the neces-

sary electrical apparatus for the electrocution of persons under sentence of death, and the sum of seven thousand ($7,000.00) dollars, or so much thereof as is necessary, is hereby appropriated for the purchase and installation of the same.

§ 10. This act shall not apply to crimes committed before this act takes effect; the punishment of such crimes shall be such as was prescribed by the law in effect when the crime was committed.

§ 11. All acts and parts of acts inconsistent or in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
W. G. Caudill,
J. P. Chinn,
Henry Chunn.
J. R. Claypool,
Albert J. Counts,
Peter J. Cosgrove,
H. T. Gartin,
F. E. Graves,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Don G. McVean,
Frank S. Moore,
R. H. Moss,
W. F. Pitman,
G. H. Plitt,
A. H. Points,
J. F. Porter,
W. A. Price,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
John S. Steers,
J. J. Taylor,

S. F. Crabtree,	H. J. Meyers,	E. E. Trivette,
W. L. Craig,	Ben E. Niles,	J. W. Turner,
C. F. Crecelius,	W. H. Newell,	W. F. Welch,
Wm. S. Dean,	L. C. Owings,	W. R. Whitlow,
H. C. Duffy,	S. P. Parks,	L. F. Withers,
L. H. Francies,	W. V. Perry,	J. R. Zimmerman,
Chas. W. Fulton,		

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Those who voted in the negative were—

G. G. Frazier,	J. W. Perry,	W. H. Shanks,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 318. An act to amend Section 4645a, Kentucky Statutes, Carroll's Edition, 1909, increasing the salary of the stenographer to the Governor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1944b, be and the same is hereby amended by adding to Subsection 1 of said section the following:

"Provided, however, that this act shall not apply to residents of the county in which said birds or fowls are killed, and who sell same to residents of the county in which said birds or fowls are killed" so that said section when so amended shall read as follows:

§ 1944b. That it shall be unlawful in the State of Kentucky, at any time, to buy, sell, expose for sale, offer for sale, or have in

possession for the purpose of bartering or selling any wild turkeys, pheasant, grouse, partridge or quail which have been killed within this State. Provided, however, that this act shall not apply to residents of the county in which said birds or fowls are killed, and who sell said game to residents of the county in which said birds or fowls are killed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
J. R. Claypool,
Peter J. Cosgrove,
C. F. Crecelius,
H. C. Duffy,
L. H. Francies,
Chas. W. Fulton,
H. T. Gartin,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
W. G. Keen,
O. M. Kelsey,
Wm. F. Klair,
John M. Letterle,
L. C. Littrell,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
W. F. Pitman,
G. H. Plitt,
A. H. Points,
W. A. Price,
G. T. Reynolds,
Farris Roberts, Jr.,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
W. Logan Shearer,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Those who voted in the negative were—

Wm. S. Dean, J. W. Perry, Marion F. Pogue,
R. Dillard Hunter, —4

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 139. An act to amend Section 3 of an act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby powers may be exercised.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3 of an act entitled, "An act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised," approved

March 19, 1908, being Chapter 67 of the acts of the General Assembly of the Commonwealth of Kentucky for the year 1908, be and the same is hereby amended by adding the word "volunteer" before the word "probation" in the fourth line of said Section, and after the word "court" in the fifth line of said Section to add the words "without any compensation whatever;" to strike from the fifth and sixth lines of said Section the words "such probation officer to receive no compensation except as herein provided;" by changing the figures seven hundred ($700.00) dollars in the 15th line of said Section to one thousand ($1,000.00) dollars, and after the word "such" in the 17th line of said Section, add the word "salaried," and to add to the conclusion of said Section the following: "All such salaried probation officers shall have all the powers of sheriffs and county patrolmen in making arrests," so that said Section as amended and re-enacted shall read as follows:

"The county courts of the several counties of this State shall have authority to appoint or designate one or more discreet persons of good moral character, to serve as volunteer probation officers during the pleasure of the court without any compensation whatever. In counties having a city of the First or Second Class the County Court may appoint one probation officer, who shall be designated as Chief Probation Officer, and who shall receive a salary of not exceeding twenty-four hundred ($2400.00) dollars per year, to be fixed by the County Court Judge; one or more assistant probation officers, one of whom shall receive a salary of not exceeding twelve hundred ($1200.00) dollars per year, and all other assistants so appointed shall receive a salary not exceeding one thousand $1000.00) dollars per year, such salaries to be fixed by the Judge of the County Court. Such salaried probation officers shall be allowed their actual and necessary expenses incurred in the performance of their duties; said salaries and expenses to be paid as provided herein. All such salaried probation officers shall have all the powers of sheriff's and county patrolmen in making arrests."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
Henry Chunn,
J. R. Claypool,
Z. A. Clore,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
W. B. Creekmore,
H. C. Duffy,
G. G. Frazier,
F. E. Graves,
Robt. L. Harris,
Robt. C. Hill,
John W. Holland,
W. G. Keen,
W. T. Kenton,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
L. C. Littrell,
J. H. McWaters,
Frank S. Moore,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
C. C. Patrick,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
E. E. Trivette,
J. H. Williams,

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Those who voted in the negative were—

L. R. Ray,
J. R. Zimmerman,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 134. An act to amend Sections 2622, 2623, 2625, 2627 and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 2622, 2623, 2625, 2627 and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll, be amended and re-enacted so as to read as follows:

§ 2622. The Kentucky Board of Pharmacy shall meet in the month of October of each year, and organize by the election of a President, Secretary and Treasurer, who shall be elected for a term of one year, and shall perform the duties prescribed by the Board. The President and Treasurer shall be elected from the members of the Board, but the Secretary need not be a member of the Board. It shall be the duty of the said Board to examine all applications for registration in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to report annually to the Governor and to the Kentucky Pharmaceutical Association upon the conditions of pharmacy in the Commonwealth which report shall also furnish a record of the proceedings of said Board for the year, and also the names of all persons duly registered under this act, and shall include an account of all money received and expended by said Board. The Board shall keep a book of registration in which shall be entered the name and place of business of all persons registered under this act. The said Board shall hold meetings for the examination of applicants for registration, and the transaction

of such other business as shall pertain to its duties, at least once in three months, said meetings to be held on the second Tuesday of January, April, July and October of each year in such cities as the Board may select, and shall continue in session from day to day until its business is disposed of. The records of said Board, or a copy or any part thereof, certified by the Secretary to be a true copy, attested by the seal of the Board, shall be accepted as competent evidence in all courts of this Commonwealth. The said Board shall have power to make by-laws for the proper execution of its duties under this act. Three members of said Board shall constitute a quorum.

"§ 2623. The Secretary of said Board shall receive such salary as the Board may determine, which shall not exceed five hundred dollars a year. He shall also receive his traveling and all necessary expenses incurred in the performance of his official duties. The other members of the Board shall receive the sum of five dollars for each day actually engaged in the service thereof, and all legitimate and necessary expenses incurred in attending the meetings of the Board, or while performing strictly official duties. Said salaries, per diem and expenses shall be paid by the Board, from the fees and penalties received by the Board under the provisions of this act. The Secretary shall collect all money due the Board from all sources, and shall pay the same to the Treasurer within thirty days, taking his receipts therefor. The Treasurer shall give bond in such sum as the Board may determine, which at no time shall be for a less amount than is in his hands belonging to the Board.

"§ 2625. Any person who is more than twenty-one years of age, filing written application, properly verified, setting forth his age, residence, and a practical experience of four years in a drug store under a registered pharmacist in compounding physicians' prescriptions, after passing a satisfactory examination to be conducted in the English language before the Kentucky Board of Pharmacy, under such rules and regulations as the Board may determine, shall be entitled to a certificate as a registered pharmacist upon the payment of

a fee of ten dollars to the Secretary of the Board: Provided, however, that there may be deducted from the four years required, the actual time spent by the applicant in a reputable college or school of pharmacy not to exceed one year. Any person eighteen years of age, filing written application, verified by his affidavit, setting forth his age, residence and the fact that the applicant has had not less than two years actual experience in a drug store under a registered pharmacist in compounding physicians' prescriptions, and after having passed a satisfactory examination, to be conducted in the English language, before the Kentucky Board of Pharmacy, under such rules and regulations as the Board may determine shall be entitled to registration as assistant pharmacist upon the payment of a fee of five dollars to the Secretary of the Board. Registered assistant pharmacists may have charge of a drug store during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in a calendar year. Whenever such absence is for a period of twenty-four consecutive hours or longer, the proprietor, owner, manager or person in charge of said drug store or pharmacy shall immediately notify the Secretary of the Kentucky Board of Pharmacy the number of days his store will be in charge of a registered assistant pharmacist. This provision shall not be employed as a subterfuge or trick to defeat the law requiring all drug stores or pharmacies to be in charge of a registered pharmacist; all drug stores or pharmacies must be in charge of a registered pharmacist, who shall devote all of his time to said drug store or pharmacy in good faith except for the thirty days in each year allowed herein. Any proprietor, owner, manager or person in charge of a drug store or pharmacy, who shall fail to comply with the above provision shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty nor more than one hundred dollars for each offense. All applications for registration must be filed with the Secretary of the Kentucky Board of Pharmacy ten days before the regular examinations of said Board; and all certificates hereafter issued shall

have plainly written, printed or stamped upon the face thereof the words, 'Revocable for the causes specified by law,' and 'Awarded upon examination.'

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Robt. C. Hill,	A. H. Points,
W. D. Allbright,	John W. Holland,	J. F. Porter,
J. M. Blair,	O. M. Kelsey,	W. A. Price,
Frank J. Brown,	Wm. F. Klair,	R. A. Read,
J. T. Buford,	J. H. Lackey,	H. T. Rich,
S. M. Carson,	John M. Letterle,	J. F. Richardson,
L. H. Carter,	J. H. McWaters,	Farris Roberts, Jr.,
J. P. Chinn,	Frank S. Moore,	S. C. Roberts,
Sidney G. Clay,	H. J. Meyers,	Sam'l L. Robertson,
J. R. Claypool,	W. H. Newell,	S. M. Russell,
M. G. Colson,	S. P. Parks,	S. A. Shanklin,
Albert J. Counts,	C. C. Patrick,	W. H. Shanks,
Peter J. Cosgrove,	J. W. Perry,	W. Logan Shearer,
S. F. Crabtree,	W. F. Pitman,	W. H. Southall, Jr.,
C. F. Crecelius,	G. H. Plitt,	Geo. C. Waggoner,
H. T. Gartin,	Marion F. Pogue,	L. F. Withers,

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Those who voted in the negative were—

P. W. Berkshire,	H. L. Lewis,	G. T. Reynolds,
W. L. Craig,	Hugh Mahin,,	J. T. Riherd,
H. C. Duffy,	Ben E. Niles,	J. J. Taylor,
G. G. Frazier,	W. V. Perry,	W. F. Welch,
F. E. Graves,	L. R. Ray,	W. R. Whitlow,
Robt. L. Harris,	Geo. W. Reid,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 48. An act to amend Section 13, Chapter 221, acts 1891, 1892 and 1893 entitled: "An act relating to Courts of Justice," approved June 10, 1893.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 13 of Chapter 221, acts 1891, 1892 and 1893, entitled: "An act relating to courts of justice," approved June 10, 1893, be striken out and the following inserted in lieu thereof:

"§ 13. The judges may appoint a sergeant-at-arms, tip-staff and janitor, who shall each hold office during the pleasure of the court, and perform such duties as the court may require. The sergeant-at-arms shall receive five dollars per day, and the tip-staff and janitor three dollars per day each for their services, payable monthly."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	H. C. Duffy,	R. H. Moss,
W. D. Allbright,	H. T. Gartin,	W. H. Newell,
J. W. Berkshire,	T. D. Graham,	John C. Pirtle,
Eli Berry,	F. E. Graves,	Geo. W. Reid,
J. O. Bogie,	John W. Holland,	G. T. Reynolds,
O. Houston Brooks,	W. T. Kenton,	J. F. Richardson,
Frank J. Brown,	O. M. Kelsey,	Sam'l L. Robertson,
J. T. Buford,	Wm. F. Klair,	S. M. Russell,
J. P. Chinn,	J. H. Lackey,	H. A. Schoberth,
Henry Chunn,	John M. Letterle,	S. A. Shanklin,
Sidney G. Clay,	L. C. Littrell,	W. H. Shanks,
M. G. Colson,	J. H. McWaters,	W. H. Southall, Jr.,
Peter J. Cosgrove,	Don G. McVean,	John S. Steers,
S. F. Crabtree,	Frank S. Moore,	L. F. Withers,

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Those who voted in the negative were—

L. H. Carter,	G. H. Plitt,	Farris Roberts, Jr.,
Z. A. Clore,	A. H. Points,	S. C. Roberts,
Albert J. Counts,	J. F. Porter,	W. Logan Shearer,
W. L. Craig,	W. A. Price,	J. J. Taylor,
Robt. C. Hill,	L. R. Ray,	E. E. Trivette,
S. P. Parks,	R. A. Read,	W. F. Welch,
C. C. Patrick,	H. T. Rich,	J. H. Williams,
J. W. Perry,	J. T. Riherd,	J. R. Zimmerman,
W. F. Pitman,		

—25

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pogue, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 491. An act to create the 34th Judicial District of Kentucky, and to change the 26th and 27th Judicial Districts and to provide for holding of courts in the 26th, 27th and 34th Judicial Districts, and to provide for Judges and Commonwealth Attorneys.

H. B. 28. An act to amend and re-enact Subsection 4 of Section 1, Article 4 of an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, said subsection being Subsection 4 of Section 3058 of the Kentucky Statutes, 1903.

H. B. 194. An act for the benefit of the Educational Institutions, viz.: State University, Eastern Kentucky State Normal School, appropriating money for the erection of necessary buildings, furnishing necessary equipment, and providing additional revenues for the maintenance of said institutions.

H. B. 49. An act to authorize a chief deputy or assistant assessor in counties having a population of forty thousand or over and under seventy-five thousand and providing for his compensation.

H. B. 18. An act entitled an act to regulate the time of holding the terms of the Circuit Court in the Twentieth Judicial District.

H. B. 135. An act to declare lawful, agreements to abstain from growing crops of any given kind for any definite period.

H. B. 139. An act to require dental hygiene to be taught in all schools supported in whole or in part by the State.

H. B. 398. An act concerning tenement houses, apartment houses and flat houses in a city of the First Class.

H. B. 94. An act to amend an act entitled "An act creating the Thirty-first Judicial District of Kentucky, fixing the time of holding the courts thereof, providing for the election of a Circuit Judge and a Commonwealth Attorney, and changing the Twenty-third and Twenty-fourth Districts of Kentucky, so as to provide for said Twenty-first District, and fixing the time for holding the courts in said Twenty-third and Twenty-fourth Districts," which act was approved March 21, 1904.

H. B. 106. An act relating to the holding of Circuit Courts in Counties having therein cities of the Second and Third Class.

H. B. 359. An act to amend an act regulating the terms of court of the 12th Judicial District of Kentucky.

H. B. 147. An act to amend and re-enact Section 20 of Chapter 65-A of Kentucky Statutes of 1903; to provide for the maintenance of the House of Reform for boys and the House of Reform for girls and the inmates thereof, and to provide for the payment into the State Treasury of the revenue derived from said Houses of Reform.

S. Res. 14. Resolution providing for the payment to Mrs. Sallie H. Hickman the salary and perquisites George W. Hickman would have been entitled to as a member of the General Assembly of 1908.

S. B. 98. An act to amend an act entitled "An act to create the Thirty-third Judicial District of Kentucky, and to change the Twenty-sixth, Twenty-seventh and Twenty-eigth Circuit Court Judicial Districts of Kentucky, and to provide for holding of courts in said Twenty-sixth, Twenty-seventh and Twenty-eight and Thirty-third Districts, and to provide for Judges and Commonwealth Attorneys for same."

S. B. 90. An act to amend an act entitled: "An act concerning Juries and entitled 'Juries,'" approved March 19, 1894.

S. B. 307. An act to amend an act entitled "An act to establish a public school in Morganfield, Kentucky," approved April 19, 1886.

S. B. 2. An act to enable cities of the First Class to construct a public hospital.

S. B. 92. An act regarding libel and the civil proceedings thereunder.

S. B. 31. An act giving power to certain counties to supplement the salaries of certain public officers and to ratify their action in respect thereto.

S. B. 9. An act designating the 12th of October of each year a legal holiday to be known as "Columbus Day."

S. B. 331. An act to amend an act entitled "An act prescribing further duties of the Chief Clerks of the Senate and House of Representatives and providing compensation therefor, being Chapter sixteen of the acts of 1908.

S. B. 247. An act providing a penalty for the mistreatment of animals, and for the destruction of animals to prevent suffering.

S. B. 68. An act to provide for the investment of the capital stock and accumulations of insurance companies.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Orered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

A message was received from the Governor announcing that he returns to this House, where it originated, without his approval and signature a bill entitled:

H. B. 231. An act to revise and amend an act entitled "An act to amend Sections 124 and 125 of an act entitled "An act for the government of cities of the First Class," approved July 1, 1893, approved March 21, 1902. Section 1 of said act being Sections 2909 and 2910 of the Kentucky Statutes by John D. Carroll and issued in 1903.

Together with his objections to said bill and his reasons therefor.

(For Bill see House Journal February 11th.)

The objections of the Governor and his reasons therefor are as follows, viz.:

STATEMENT OF THE GOVERNOR'S OBJECTIONS TO HOUSE BILL No. 231.

This act to amend Sections 124 and 125 of the act for government of cities of the First Class, was adopted not to amend or improve the law, but to legislate a man out of office and provide a vacancy to legislate another one into office. There was no claim made that the man regularly appointed by the mayor under the law to this

office was not entirely competent and worthy. It was frankly avowed that the purpose was to put out of office a man regularly appointed so that another could be put in. This amendment was enacted not by the locality for which the change is made, but by the General Assembly of the whole Commonwealth of Kentucky. Those who have voted for it have represented the whole Commonwealth as anxious to change a local officer for party purposes after he has been regularly appointed by a title unquestioned or unchallenged.

It was a leading idea of the Constitution to prevent local legislation, and while this act is not within the letter of the Constitution, no one will question that it is within the spirit of the Constitution which was adopted by the people of Kentucky. Therefore, we have a Constitution representing the whole people, which frowns upon such action, and an action of the General Assembly of the whole people which adopts. Only the name of the office is changed. The new Corporation Counsel is to perform exactly the same duties and in the same way and to be appointed by the same officer as the City Attorney was. The change has not even the merit of harmony with the political change in Louisville, because the office is in no way a political office. The officer is a lawyer to give legal advice to the city and defend and prosecute the city's cases in court. The work is purely professional legal work. Even on party papers, professional newspaper men are often employed regardless of whether they are personally in sympathy with the policies of the paper they work on or not. Doctors, professional men, are employed wihout regard to their politics. Clergymen, scientific men, and all classes of professional men are employed on their fitness, not on their politics, and therefore the only claim to support this measure is that it will put out a man of one political party to put in another of another political party. In itself the measure is neither good politics nor good morals. Using a common expression, it is in itself not square.

Judge Richards who held this office by appointment under the City government of the predecessor of Mayor Grinstead, was treated squarely and served his term without interference and proved just

as useful to an administration with which he was not in political sympathy as if he had belonged to it, and there is no pretense here that the present City Attorney would not do the same. Indeed, Col. Stone held over under the same circumstances as those under which the present incumbent ought to hold over, and his incumbency saved the city in one case over One Hundred Thousand Dollars, when, if his successor had been appointed as provided in this bill, the money would have been lost to the city. A great many important cases have been instituted or the defense begun under the present officer in which the city's interest will be exposed to serious loss if this measure takes effect.

But this measure is not only objectionable in character and not only unfair, but whatever the legislative records may show, the Governor knows what everybody else knows, that it was carried in violation of the law and rules of the Legislative Assemblies. The Clerk's record, as well as the Digest adopted by the General Assembly shows that it was in the orders of the day, and that there were seventeen bills having precedence in the orders of the day over this House Bill No. 231, yet the Clerk took it up out of its order, read it by its title, and when asked for the number of the bill, was understood to say that it was No. 221, to which there was no objection by any one, and it was not known that Bill No. 231 was being voted on until it was actually declared to have passed the House on the 14th of February and transmitted on that day to the Senate.

The Senate Rules provided for bills being publicly printed, but before it had reached the Senate, some one had caused it to be printed out of the regular order, and on this being called to the attention of the Chair, the bill was ordered printed in the regular way, and the Clerk was directed to turn it over to the public printer for that purpose. It never was turned over to the Public Printer and never was printed by him.

On March 2nd, the Rules Committee, exercising the extraordinary, and I think unconstitutional power granted to it under the rules,

called this bill up, for passage without any Committee ever having reported on it, although the Constitution, Section 46, expressly provides that no bill shall be considered until reported on by a Committee, and the Lieutenant Governor, in the chair of the Senate, upon his attention being called to the fact that the bill never had been printed by the Public Printer, as lawfully directed by the Chair and concurred in by the Senate, ruled that the bill not having been properly printed, was not properly before the Senate and could not be considered. An appeal was prayed from the ruling of the Chair, and a member of the Senate was called to the Chair to take the vote on the appeal. Under the law and rules the only subject which could be considered on the appeal was whether the ruling of the Lieutenant Governor, as President of the Senate, was right or wrong. The vote was taken on the appeal and the Chair was overruled, the Senate holding that the bill was properly before it for consideration. The rules of the Senate, governing all bills and business, prohibit any business being transacted while an appeal is being taken, except the vote on the appeal, but notwithstanding the rule, the Temporary Chairman, while in the Chair to take the vote on the appeal and while the appeal was pending, entertained a new and separate motion to extend the session indefinitely before the vote was taken on the appeal, and while he was in the Chair for the sole purpose of taking the vote on the appeal, but over objection, he put the motion to extend the session indefinitely and declared it carried. The Clerk recorded that such a vote was taken and that the session had been indefinitely extended.

The President of the Senate on resuming the Chair, refused to recognize the validity of this proceeding and instructed the Clerk to make no minute of such a proceeding, and when the hour of one o'clock had arrived, which was the regular adjourning hour of the Senate declared the Senate adjourned for the day as he unquestionably had a right to do. After this adjournment, the Temporary Chairman took the chair, declared the Senate still in Session, and had a rump session, which was without authority of law, and composed

only of the Senators of the party which desired to remove this officer, proceeded to pass the bill, which was, later on the same day, produced before the same session and enrolled and signed by Mr. Linn as President pro tem of the Senate.

If the bill had been taken up in its lawful way in the House, or if the Temporary Chairman had not put the motion to extend the session indefinitely until this bill was passed, when he was in the Chair solely for the purpose of putting the question on the appeal and prohibited from transacting any other business, the bill would not have reached the Governor ten days before the expiration of the session, and the purpose of taking the bill up out of its order in the House and of ignoring the motion to extend the session when the Temporary Chairman had no right to entertain any business but the appeal, and of holding the rump session after the Senate was lawfully adjourned, was to prevent the lawful right of the Governor to hold the bill until after the session of the General Assembly closed.

Therefore, the true record known to all the people of Kentucky, and known to the Governor, if not shown by the minutes of the General Assembly, was to interrupt and prevent the lawful right of the Governor to hold the measure until after the session adjourned, and therefore, the Governor has a right to consider the true record and make it a part of the State record of this bill.

The Governor has no personal nor political interest in this bill in any way. He has no purpose to hinder or delay the full exercise of the powers assigned by the Constitution to the General Assembly. He has taken up this bill at the first opportunity which he had in connection with the performance of his duties as Governor, and now returns it to the House in which it originated disapproved, first, because it is wrong and unfair in itself; and second, because it was not adopted according to the Constitution, the laws and the rules of the General Assembly, but in violation of them, and because it sets a bad and pernicious example to the people of the Commonwealth and to all succeeding General Assemblies. It may be cited here-

after as an excuse for similar legislation, either for the same purpose or for retaliation, and for whichever reason cited, it is in conflict with the Constitution, with the manly principle of our people and without precedent. We shall all be better off in the long run to let it be recorded that our action as servants and representatives of the people are from principle, unselfish, unpartisan and morally square, and I cannot but hope that any man trusted by the people to be the Governor of the Commonwealth of Kentucky, of whatever party, would feel himself constrained to disapprove this bill. I should earnestly regret to believe that I, as Governor of the Commonwealth of Kentucky, had been influenced by any political, partisan or personal motives, or had done anything differently in considering it from what any man chosen under the law to be Governor of Kentucky, or whatever party, would have done in my place. I should be very sorry to believe that a Democratic Governor, so chosen and upholding the spirit, the character and the honor of Kentucky, would have done anything different from what I have done.

Laying aside the fact that partisanship is the only excuse given for this measure, and disregarding the unfair, lawless and defiant manner of its passage, and its injustice to the present incumbent of the City Attorney's office, and the fact that when a party succeeds before the people, it is entitled to that which it secures by that vote and therefore to have the offices thus secured filled by the incumbents for the terms for which they were elected, and coming to the question whether the public interest will be served by giving the present Mayor the power to remove at pleasure the Chief Law Officer of the city, appointed for a definite term, it is clear that the public interest will not be served by it; that there is no need of having a partisan in the office of City Attorney of the city of Louisville. The political views of the lawyer who happens to be appointed City Attorney are not material as long as he is an honest man and a capable City Attorney. His advice upon questions of law must be the same whatever his party, or the party of the administration which he advises. It will not be contended that Col. Stone was less efficient

under Mayor Weaver or Mayor Grainger than under their predecessor, nor that Judge Richards was less satisfactory to Mr. Grinstead than Mr. Barth. If an administration desires to abide by the law, it can maintain all of its rights under any competent lawyer who is City Attorney without regard to his politics. It is not to the public interest that the City Attorney should be the creature of the Mayor and subject to removal if he does not interpret the law as the Mayor wishes it. The Court of Appeals in the case of Todd v. Dunlap, 99 Ky., 462-3, said:

"We cannot assent to the exercise of such a power, and the necessity for some stability and independence in the discharge of the important trusts confided to those Executive Boards is of itself a convincing argument against the contention of the appellant."

The City Attorney is just as important an officer of the city government as the members of the Board of Public Works. There is the same "necessity for some stability and independence in the discharge of the important trusts confided" to him as in those entrusted to the Executive Board. Trusts no less important are confided to him and stability and independence in their discharge are no less necessary.

Under the present law if the incumbent does not properly discharge his duties there is ample power and means to remove him for cause. If he does properly discharge those duties, he should be protected in the tenure of his office.

This measure is therefore returned to the House disapproved, this Fourteenth day of March, Nineteen Hundred and Ten.

AUGUSTUS E. WILLSON,
Governor of Kentucky.

Thereupon the House proceeded as provided by the Constitution to reconsider said bill. After such reconsideration the question was taken upon the passage of said bill, the objections of the Governor to the contrary notwithstanding, and it was decided in the affirmative.

The yeas and nays being taken on the passage of said bill, the objections of the Governor to the contrary notwithstanding, in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,	T. D. Graham,	W. H. Newell,
P. W. Berkshire,	F. E. Graves,	L. C. Owings,
Eli Berry,	Robt. C. Hill,	John C. Pirtle,
J. O. Bogie,	Samuel D. Hines.	W. F. Pitman,
O. Houston Brooks,	John W. Holland,	J. F. Porter,
Frank J. Brown,	R. Dillard Hunter,	W. A. Price,
J. T. Buford,	W. T. Kenton,	L. R. Ray,
L. H. Carter,	O. M. Kelsey,	Geo. W. Reid,
W. G. Caudill,	Wm. F. Klair,	G. T. Reynolds,
J. P. Chinn,	J. H. Lackey,	J. F. Richardson,
Henry Chunn,	John M. Letterle,	J. T. Riherd,
Sidney G. Clay,	L. C. Littrell,	Sam'l L. Robertson,
J. R. Claypool,	Hugh Mahin,	S. M. Russell,
Z. A. Clore,	J. H. McWaters,	H. A. Schoberth,
Peter J. Cosgrove,	Don G. McVean,	W. H. Shanks,
S. F. Crabtree,	Frank S. Moore,	W. R. Whitlow,
W. L. Craig,	R. H. Moss,	L. F. Withers,
G. G. Frazier,	H. J. Meyers,	J. R. Zimmerman,
H. T. Gartin,	Ben E. Niles,	—56

Those who voted in the negative were—

W. D. Allbright,	W. G. Keen,	Farris Roberts, Jr.,
T. M. Bertram,	S. P. Parks,	S. C. Roberts,
S. M. Carson,	C. C. Patrick,	S. A. Shanklin,
M. G. Colson,	J. W. Perry,	W. Logan Shearer,
Albert J. Counts,	G. H. Plitt,	J. J. Taylor,
W. B. Creekmore,	A. H. Points,	E. E. Trivette,
H. C. Duffy,	R. A. Read,	J. W. Turner,
Robt. L. Harris,	H. T. Rich,	J. H. Williams,
S. B. Johnson,		—25

Ordered that the Clerk of this House deliver said bill, with the objections of the Governor thereto, to the Senate with the announcement of the action taken thereon by the House of Representatives in order that the Senate may, in accordance with the provisions of the Constitution, reconsider said bill.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 37. An act to establish a Sub-experiment Station in Eastern Kentucky and a like station in Western Kentucky.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a sub-experiment station be located at some advantageous point in Eastern Kentucky and a like station at some advantageous point in Western Kentucky, in order that the true conditions may be reflected in the analysis of the soils, for the benefit of the interests of practical and scientific agriculture, and for the development of the vast agricultural resources in the Eastern and Western sections of the State of Kentucky.

§ 2. That said sub-experiment stations shall be under the control and general supervision of the Experiment Station, at Lexington, Ky., and with like powers and duties.

§ 3. Be it further enacted that the location of these sub-stations be placed in the hands of a Committee composed of the Commissioner of Agriculture, the Director of the Experiment Station and one member of the Senate appointed by the President thereof, whose duty it shall be to locate and purchase a site for each of the said sub-experiment stations.

§ 4. There is hereby appropriated for the purpose of purchasing the necessary lands and erecting the necessary buildings thereupon for said experiment station the sum of $5,000.00 each, and an annual sum of $5,000.00 each for the maintenance of said experiment stations.

§ 5. The Board of Control of the Agricultural Experiment Station of the State University, upon the written request of the Board Accounts, an itemized statement of the expenditures of money under this act, which have been approved by the Director of said Experiment Station. The expenditures reported to the Auditor shall be paid by the Commonwealth to the Treasurer of the Agricultural Experiment Station of the State University, upon the written reques of the Board of Control of the said Experiment Station, and the Auditor, for the payment of the same, is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth.

§ 6. That there shall be a man at the head of each said sub-experiment station chosen by the Board of Control of the Agricultural Experiment Station of the State University of Lexington, Kentucky, whose duties and powers shall be to superintend said sub-experiment stations under the supervision of the Director of the Experiment Station of the State University of Kentucky at Lexington.

§ 7. Be it further enacted, that a Bureau of Forestry be established and conducted in connection with each said experiment stations for the promotion of Forestry.

§ 8. It shall be the duty of the said Bureau of Forestry to thoroughly inquire into the character and extent of the forest in the Eastern and Western sections of the State; to investigate the causes which are in operation to produce their waste and decay; to suggest what legislation, if any, may be necessary for the development of a system of forestry, adapted to the wants and conditions of the said Eastern and Western sections of the State.

§ 9. All acts or parts of acts in conflict herewith are hereby repealed.

Mr. W. V. Perry offered the following amendment to said bill, viz:

Amend by adding thereto in line 3 of Section 1 thereof the further words "and a like station in Southwestern Kentucky."

Said amendment was agreed to.

Mr. Williams offered the following amendment to said bill, viz:

Amend by striking out in line 2 the words "Eastern Kentucky" and insert in lieu thereof "Greenup County."

Said amendment was disagreed to.

Mr. Brooks offered the following amendment to said bill, viz:

Amend Section 3, lines 4 and 5 by striking therefrom the words "one member of the Senate appointed by the President thereof" and inserting in lieu thereof "the President of the State University of Kentucky."

Said amendment was disagreed to.

Mr. W. V. Perry offered the following amendment to said bill, viz:

Amend by adding to Section 4 in line 5 the words "and an annual sum of $5,000.00, etc."

Said amendment was agreed to.

Ordered that said bill as amended be read the third time.

The constitutional provision as to the third reading of the bill at length being dispensed with, it was read the third time by its title, and as amended, was passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,	John W. Holland,	Marion F. Pogue,
P. W. Berkshire,	S. B. Johnson,	A. H. Points,
Eli Berry,	W. T. Kenton,	Geo. W. Reid,
T. M. Bertram,	O. M. Kelsey,	Farris Roberts, Jr.,
O. Houston Brooks,	Wm. F. Klair,	S. C. Roberts,
J. T. Buford,	John M. Letterle,	Sam'l L. Robertson,
W. G. Caudill,	L. C. Littrell,	S. M. Russell,
J. P. Chinn,	Hugh Mahin,	H. A. Schoberth,
Sidney G. Clay,	J. H. McWaters,	S. A. Shanklin,
J. R. Claypool,	Don G. McVean,	W. H. Shanks,
M. G. Colson,	Frank S. Moore,	W. Logan Shearer,
Peter J. Cosgrove,	H. J. Meyers,	John S. Steers,
W. B. Creekmore,	Ben E. Niles,	E. E. Trivette,
F. E. Graves,	W. H. Newell,	J. W. Turner,
Robt. L. Hart,	C. C. Patrick,	Geo. C. Waggoner,
L. B. Herrington,	W. V. Perry,	W. R. Whitlow,
Robt. C. Hill,	John C. Pirtle,	L. F. Withers,
Samuel D. Hines,		—52

Those who voted in the negative were—

Frank J. Brown,	T. D. Graham,	G. T. Reynolds,
Z. A. Clore,	J. W. Perry,	H. T. Rich,
S. F. Crabtree,	W. F. Pitman,	J. F. Richardson,
W. L. Craig,	J. F. Porter,	J. T. Riherd,
G. G. Frazier,	L. R. Ray,	J. H. Williams,
Chas. W. Fulton,	R. A. Read,	J. R. Zimmerman,
		—18

Resolved that the title thereof be as aforesaid.

Then the House adjourned until 7:30 o'clock to-night.

NIGHT SESSION.

At 7:30 o'clock p. m. the House met pursuant to adjournment.

A message was received from the Senate announcing that they had passed a resolution and bills which originated in the House of Representatives of the following titles, viz:

H. Res. 24. Resolution creating a Commission to examine into the condition of the public roads in the various counties of this Commonwealth to ascertain the manner and method of building and maintaining roads in other States and report to the next General Assembly.

H. B. 198. An act to make an option a recordable instrument.

H. B. 331. An act to amend Section 1730 of the Kentucky Statutes so as to increase the fees of jailer.

H. B. 332. An act to amend Section 356 of the Kentucky Statutes so as to increase the fees of jailers.

H. B. 342. An act to amend an act entitled "An act for the erection and maintenance of the Confederate Home," approved March 27, 1902, and amended March 21, 1906.

H. B. 401. An act to establish a plant for the preparation of hog cholera serum and for the distribution of same to the farmers of the State.

H. B. 303. An act to limit the power of cities of the Third Class and towns to sell, convey, lease or mortgage any waterworks system or lighting system or the income thereof.

H. B. 397. An act providing that the names of candidates put on the ballot by petition shall not be placed under the device of a political party entitled to nominate by primary or convention.

H. B. 209. An act to amend Section 1944a concerning rabbits and squirrels.

H. B. 210. An act to amend Section 1697, Subdivision 1 of Article 15, Chapter 46 of the Kentucky Statutes, Carroll's Edition of 1903, entitled "Executions."

H. B. 44. An act to amend Section 965, Kentucky Statutes, relating to Circuit Courts in the Sixth Judicial District.

H. B. 381. An act to protect purchasers of land where same has been previously sold for delinquent taxes.

H. B. 477. An act to amend an act entitled "An act for the Government of cities of the Third Class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law and as same has since been amended all of which said act and amendments now appear as Article 3 of Chapter 89 of the Kentucky Statutes in John D. Carroll's Edition thereof in 1909.

H. B. 459. An act to create the office of Assistant Commonwealth Attorney in the Districts embracing not less than six counties.

H. B. 325. An act to amend that part of an act entitled: "An act for the government of cities of the First Class," approved July 1, 1893, which relates to Revenue and Taxation.

H. B. 380. An act limiting the time in which certain actions by the Commonwealth, County, City or other taxing districts, may be instituted.

H. B. 373. An act to provide for the appointment of trustees for County Academies and Seminaries.

That they had disagreed to bill which originated in the House of Representatives of the following titles:

H. B. 169. An act for the protection of owners and keepers of hotels, creating liens on certain property, and providing for the enforcement of the provisions thereof, and limiting the liability of hotel keepers and for sale of unclaimed baggage, requiring hotel keepers to give receipts or checks for baggage, no liability in case of fire or overwhelming force.

H. B. 259. An act to authorize arbitration of matters in controversy between the Commonwealth of Kentucky and contractor for labor of convicts. The Auditor of public Accounts to name arbitrator, the contractor to name another, and the two thus selected to name a third, and providing for settlement of award.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 63. An act for the benefit of the Kentucky Division of the Daughters of the Confederacy.

Said bill is as follows:

WHEREAS, sixty chapters of the Daughters of the Confederacy in the State of Kentucky have raised certain funds for the purpose of erecting in the City of Lexington, Kentucky, an equestrian statue of General John H. Morgan, and dedicated to Morgan and his men.

WHEREAS, the estimated cost of said statue will be fifteen thousand ($15,000.00) dollars, and

WHEREAS, the full amount has not been raised;

THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of seven thousand, five hundred ($7,500.00) dollars be, and is hereby, appropriated to the committee of the General John H. Morgan Monument Fund of the Daughters of the Confederacy

toward the cost of said statue and the Auditor is hereby authorized and directed to draw his warrant for said sum of seven thousand, five hundred ($7,500.00) dollars in favor of D. H. James, the Treasurer of said Fund. Said appropriation is payable in three annual payments of $2,500 each, the first of said payments to be made July 1, 1910.

Inasmuch as the statue has already been contracted for and an emergency is now declared to exist, and this act shall be in force from its passage and approval.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
J. M. Blair,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Peter J. Cosgrove,
F. E. Graves,
L. B. Herrington,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
Ben E. Niles,
Marion F. Pogue,
A. H. Points,
W. A. Price,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Steers,
Geo. C. Waggoner.

S. F. Crabtree,	W. H. Newell,	W. R. Whitlow,
W. L. Craig,	L. C. Owings,	J. H. Williams,
C. F. Crecelius,	J. W. Perry,	L. F. Withers,
H. C. Duffy,	John C. Pirtle,	J. R. Zimmerman,
G. G. Frazier,	W. F. Pitman,	—62

Those who voted in the negative were—

M. G. Colson,	H. L. Lewis,	Farris Roberts, Jr.,
Albert J. Counts,	S. P. Parks,	W. Logan Shearer,
Wm. S. Dean,	G. H. Plitt,	J. J. Taylor,
S. B. Johnson,	R. A. Read,	W. F. Welch,

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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 198. An act to amend an act entitled "An act to encourage the establishment and maintenance by private contribution, of Sanitoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis, commonly known as consumption, and to make an appropriation to assist such sanitoria as may be already established in Kentucky, and those that may hereafter be established," approved March 26, 1908, and to provide a further appropriation for the purpose of said act.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to encourage the establishment and maintenance by private contribution of Sanatoria in the Commonwealth of Kentucky for the care and treatment of persons suffering

from Pulmonary Tuberculosis, commonly known as consumption, and to make an appropriation to assist such Sanatoria as may be already established in Kentucky, and those that may hereafter be established," approved March 26, 1908," being Chapter 12 of the Acts of the General Assembly, amended by adding thereto a subsection to be known as Section 11, as follows, to-wit:

§ 11. That there is hereby further appropriated out of any money in the Treasury, not otherwise appropriated, the sum of sixteen thousand ($16,000) dollars for the benefit of any Sanatorium or Sanatoria established in this Commonwealth for the care and treatment of consumptives maintained by private contribution, to be paid to such Sanatoria under and subject to all the terms and conditions provided in said act. All indigent persons admitted shall be treated and maintained free, and six cents per mile shall be allowed to defray the expenses of all indigent persons to and from the institution.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	G. H. Piitt,
T. M. Bertram,	Robt. L. Harris,	Marion F. Pogue,
J. M. Blair,	L. B. Herrington,	A. H. Points,
J. O. Bogie,	Samuel D. Hines,	W. A. Price,
Frank J. Brown,	John W. Holland,	Geo. W. Reid,
J. T. Buford,	Hite Huffaker,	G. T. Reynolds,
L. H. Carter,	S. B. Johnson,	J. F. Richardson,
Sidney G. Clay,	W. T. Kenton,	Farris Roberts, Jr.,
J. R. Claypool,	O. M. Kelsey,	S. C. Roberts,

Z. A. Clore,	Wm. F. Klair,	Sam'l L. Robertson,
Z. T. Coleman,	J. H. Lackey,	H. A. Schoberth,
Albert J. Counts,	H. L. Lewis,	W. H. Shanks,
Peter J. Cosgrove,	J. H. McWaters,	W. Logan Shearer,
S. F. Crabtree,	Don G. McVean,	John S. Steers,
C. F. Crecelius,	R. H. Moss,	Geo. C. Waggoner,
W. B. Creekmore,	H. J. Meyers,	W. F. Welch,
Wm. S. Dean,	Ben E. Niles,	W. R. Whitlow,
H. C. Duffy,	S. P. Parks,	J. H. Williams,
L. H. Francies,	C. C. Patrick,	J. R. Zimmerman,
G. G. Frazier,	W. V. Perry,	—59

Those who voted in the negative were—

J. W. Berkshire, J. W. Perry,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 217. An act to regulate the sale of certain agricultural seed.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. For the purpose of this act agricultural seeds are defined as seeds of red clover, white clover, alsike clover, crimson clover, Japan clover, alfalfa, Kentucky bluegrass, Canada bluegrass, meadow fescue (*Festuca pratensis* and *Festuca elatior*), sheep fescue, brome (awnless)

grass, orchard grass, sweet vernal grass, meadow soft grass (*Holcus lanatus*), tall oat grass, red top, timothy, millet, field corn, wheat, rye, barley, oats, Kaffir corn, sorghum, broom corn, buckwheat, flax, hemp and rape, which are to be used for sowing or seeding purposes.

§ 2. Every lot of agricultural seed as defined in Section 1 of this act which is offered or exposed for sale within this State in lots of ten (10) pounds or more shall be accompanied by a plainly written or printed statement in the English language stating:

1. The name of the seed.

2. The name and address of the person or persons offering for sale such seed.

3. The approximated percentage of purity or freedom from foreign matter, or from other seeds; or in lieu thereof, shall bear the following written or printed guaranty: *These seeds comply with the standards of purity established by the Kentucky Agricultural Experiment Station.*

§3. The seeds of quack grass (*Agropyron repens*), crab grass (*Panicum sanguinale*), Canada thistle (*Cnicus Arvensis*), clover and alfalfa dodder (*Cuscuta epithymum*), field dodder (*Cuscuta arvensis*), sour dock (*Rumex acetosella*), broom-rape (*Orbanche ramoca*), corn cockle (*Argrostemma githago*) and the bulbs of wild onion (*Allium vineale*), are hereby defined as noxious weeds, seeds and bulbs. No person shall sell, offer, or expose for sale within this State for seeding purposes any agricultural seeds defined in Section 1 of this act containing a greater amount of proportion than one seed, or bulb, or any or all of these prohibited weeds to 2 000 seeds of the variety offered or exposed for sale.

§ 4. The percentage of purity required under Section 2 of this act shall be based upon a test or analysis conducted either by the Entomologist and Botanist of the Kentucky Agricultural Experiment

Station, or his assistants, or by the vendor of the seeds, or his agents: Provided, that such tests or analyses made by the vendor, or his agents, shall conform to the regulations and methods of testing used by the Association of Official Seed Analysis.

Standards of purity provided in Section 2, clause No. 3, of this act shall be established and published by the Kentucky Agricultural Experiment Station.

§ 5. Whoever buys, or sells, agricultural seeds defined in Section 1 of this act for use in this State for seeding purposes may submit fair samples of such seeds to the Kentucky Agricultural Experiment Station for examination and test of purity and of viability, and the Entomologist and Botanist, or his assistants, shall make such examinations and tests and report thereon promptly to the sender. In case of non-resident of Kentucky, for the test of purity a fee of twenty-five cents shall be paid in advance and for a test of viability a further fee of fifty cents shall be paid in advance, to the director of the station. All moneys received from such fees shall be paid over to the treasurer of the Board of Control of said station, to be used in defraying the expenses of seed analyses.

§ 6. Authorized officers of the Kentucky Experiment Station may take for analyses, paying a reasonable purchase price, a sample from any lot of agricultural seeds offered or exposed for sale, not exceeding four ounces in weight. Provided, that said sample shall be drawn or taken in the presence of the vendor or parties in interest, or his or their agents or representatives, and shall be taken from a parcel, lot, or number of parcels, which shall not be less than ten per cent of the whole lot inspected, and shall be thoroughly mixed. Said samples may be taken in the presence of two disinterested witnesses if the vendor or party in interest fails or refuses to be present when notified.

§ 7. The provisions of this act shall not apply to:

1. Any person selling agricultural seeds direct to seed merchants, or shipping to a general market to be cleaned, or graded, before being offered or exposed for sale for seeding purposes.

2. Agricultural seed marked "Not clean" which is held in storage for the purpose of being cleaned.

3. Mixtures of agricultural seeds prepared for special purposes when so labeled. This shall not, however, exempt the vendor of such mixtures from the provisions of Section 3 of this act.

§ 8. Any person who sells any of the varieties of seeds defined in Section 1 of this act, or who advertises such seeds for sale shall be amenable to the provisions of this act.

§ 9. Whoever offers or exposes for sale within this State any agricultural seeds defined in Section 1 of this act without complying with the requirements of Sections 2 and 3 of this act, or whoever falsely marks, or labels, any agricultural seeds under Section 2 of this act, or whoever shall prevent authorized officers of the said Experiment Station from inspecting said seeds and collecting samples as provided in Section 6 of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars. Provided, however, that no prosecution for the first offense shall be instituted until after a hearing before the director of the experiment station has been granted in the manner following: When the said director becomes cognizant of the violation of any of the provisions of this act he shall cause notice of such fact, together with a copy of the findings to be given to the party or parties concerned, including those from whom the sample was obtained. The parties so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed. Notices shall specify the date, hour and place of the hearing. The hearing shall be private and the parties interested therein may appear in person or by attorney.

Whenever any agricultural seeds are found to have been sold or offered for sale in violation of this act, the director of the Experiment Station shall certify the facts to the Commonwealth's Attorney of the district, or to the County Attorney, or the City Attorney of any city or town in which said seeds were found, together with a statement of

the results of the analysis duly authenticated by the analyst, under oath made before an officer authorized by the Commonwealth to administer an oath. It shall be the duty of every Commonwealth's Attorney, County Attorney, or City Attorney to whom the director of said station reports any violation of this act to cause proceedings to be commenced against the party so violating the act and the same shall be prosecuted in the manner prescribed by law.

§ 10. No penalty or hability under this law shall be applicable to any seller of seed unless prosecution be based upon properly drawn samples taken by authorized officers of the Kentucky Experiment Station.

§ 11. The results of all analyses and tests of seed made by the Entomologist and Botanist and his assistants may at his discretion be published in bulletins to be issued by the station.

§ 12. The said Experiment Station shall receive all necessary expenses for the analysis of samples taken under Section 6 of this act, all necessary expenses in carrying out the provision of this act, including the payment of assistants, expenses for procuring samples, and expert witnesses attending grand juries and courts, provided, the total expenses for any one year shall not exceed ten thousand ($10,000) dollars.

The Board of Control of said station shall furnish to the Auditor of Public Accounts an itemized statement of all expenditures and receipts under this act.

The amount of expenditures reported to the Auditor shall be paid by the Commonwealth to the treasurer of said experiment station upon the written request of its Board of Control, and for the payment of the same the Auditor is directed to draw his warrant upon the Treasurer of the Commonwealth as is customary in the payment of claims against the Commonwealth.

§ 13. The words "persons," "vendors," and "party in interest" and "whoever" as used in this act shall be construed in import both plural and singular, as the case demands, and shall include corporations, companies and associations.

§ 14. Be it further enacted that all laws and parts of laws in conflict with this act be and the same are, hereby, repealed.

§ 15. This act shall take effect six months after its passage and approval by the Governor of the Commonwealth.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

W. D. Allbright,
J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris.
L. B. Herrington,
Samuel D. Hines,
Hite Huffaker,
S. B. Johnson,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
H. L. Lewis,
Hugh Mahin,,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
W. A. Price,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,

W. L. Craig,	Ben E. Niles,	John S. Steers,
C. F. Crecelius,	L. C. Owings,	Geo. C. Waggoner,
W. B. Creekmore,	S. P. Parks,	W. F. Welch,
Wm. S. Dean,	C. C. Patrick,	J. H. Williams,
H. C. Duffy,	W. V. Perry,	J. R. Zimmerman,
G. G. Frazier,		

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Those who voted in the negative were—

W. R. Whitlow,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 228. An act to appropriate money to pay the deficit occasioned by the Houses of Reform, one for the boys and one for the girls; to pay for the erection of Cottage B. No. 2 at said houses heretofore erected, to provide for the acquisition of additional grounds, and water and transportation facilities, and otherwise extending, improving and better equipping said institutions, and empowering the Board of Penitentiary Commissioners to carry out the same, and appropriating money to pay therefor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $20,838.30, together with such interest as may accrue upon the notes executed therefor up to the time of the payment therefor, be, and the same is, hereby appropriated out of the

revenues of the Commonwealth of Kentucky, to be expended by the Board of Penitentiary Commissioners in discharging the liability incurred in the erection of Cottage "B No. 2" at the Houses of Reform at Greendale, Kentucky. The Auditor of Public Accounts shall draw his warrant upon the Treasurer of the Commonwealth of Kentucky in favor of the Houses of Reform for said amount upon the application of the Board of Penitentiary Commissioners.

§ 2. There is hereby appropriated out of the revenue of the Commonwealth of Kentucky, the sum of $38,928.84 or so much thereof as may be necessary, to pay the deficit incurred in the maintenance of the Houses of Reform for the years 1908 and 1909, and the Auditor of Public Accounts shall draw his warrant upon the Treasurer for the same in such amounts and payable to such persons as may be entitled to receive same, upon the certification of the Board of Penitentiary Commissioners through its Chairman.

§ 6. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of $10,000 or so much thereof as may be necessary to be expended by the Board of Penitentiary Commissioners in the erection of cottage dormitory for white girls upon the grounds of the Houses of Reform at Greendale, Kentucky, for the occupancy of the inmates of said Institutions.

§ 4. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of $500, or so much thereof as may be necessary to be expended by the Board of Penitentiary Commissioners in the erection of a front fence on the premises of the Houses of Reform at Greendale, Kentucky.

§ 5. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of $5,000.00 or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in the erection of a building upon the grounds of the Houses of Reform at Greendale, Kentucky, to be used as a laundry, sewing room, etc., for white girls.

§ 6. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of $1,100.00, or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in providing a boiler and setting for the power house at the Houses of Reform, at Greendale, Kentucky.

§ 7. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of $1,500.00 or so much thereof as may be necessary to be expended by the Board of Penitentiary Commissioners in procuring proper fire escapes and attaching same to the dormitories and other buildings occupied and used by the various inmates of the Houses of Reform at Greendale, Kentucky.

§ 8. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of $5,000.00 or so much thereof as may be necessary to be expended by the Board of Penitentiary Commissioners for purchasing supplies for, and providing, laying and connecting a pipe-line for the Houses of Reform at Greendale, Kentucky, to connect with the water mains of any water works company that can furnish a water supply to the said Institution.

And in the establishment of said pipe-line and connections, the said Board of Penitentiary Commissioners is empowered to contract for and acquire on behalf of the State such rights of way and licenses as may be necessary to permit it to lay, construct and maintain the same, over, through and under any property that may intervene between the Houses of Reform and the point of connection with the mains from which said water supply is to be obtained; and if unable to agree with the owner or owners as to the value or price of the right of way over any property necessary to be traversed by said pipe-line in establishing said connection, it may and is hereby given the authority to condemn the same to the uses herein provided in such manner and by such proceedings as are now provided for the condemnation of lands for railroads, and other public purposes; said proceedings to be in the name of the Commonwealth of Kentucky by the Board of Penitentiary Commis-

sioners against the owner or owners. The Auditor of Public Accounts shall, upon the certification of the Board of Penitentiary Commissioners through its Chairman, of the costs of any such right of way or privilege, whether acquired by condemnation or contract, draw his warrant upon the Treasurer in the amount and payable to the person entitled to receive the same as certified by said Board. The title to any property acquired hereunder shlal be taken to the said Board of Penitentiary Commissioners and their successors for the use and benefit of the Houses of Reform.

§ 9. In the erection of the buildings and the purchase of the supplies, and the construction of the equipments in this act provided for the Board of Penitentiary Commissioners shall let the contract for the same, after due advertisement, upon public competitive bidding, to the lowest and best bidder for the contract or contracts so let. And in the erection of said buildings, and making of said improvements, it shall be its duty, and it is authorized, to make the same under the supervision of a competent architect or engineer, as the respective contracts may require, to be employed by said Board, and whose compensation may be agreed upon by it at the usual rate or per cent applying in such cases; the fees or compensation of such architect to be paid for by the State, in addition to the appropriation herein provided, and upon certification thereof by the Board of Penitentiary Commissioners through its chairman.

§ 10. Upon the certification of the Board of Penitentiary Commissioners the Auditor of Public Accounts shall draw his warrant upon the Treasurer at such times in such amounts and payable to such persons as may be entitled to receive same, or any part or parts or the whole of any of the appropriations herein made, provided that if the funds herein appropriated and authorized to be expended are not available when and as required for the payment of any of the improvements herein provided for, then the said Board of Penitentiary Commissioners may contract for the payment thereof in interest bearing warrants of the Commonwealth of Kentucky, in which event it shall be the duty

of the Auditor to issue to the person or persons entitled to such funds, warrants of the Commonwealth of Kentucky, bearing interest from date thereof until paid not to exceed 5 per cent per annum.

§ 11. If any section of this act shall be held to be invalid such fact shall not affect any other section hereof, it being the intention of the General Assembly in enacting this act to enact each section separately. And if any provision or exception contained in any section shall be held to be invalid such fact shall not affect the remaining portion of said Section; it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereof separately.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. W. Berkshire,
P. W. Berkshire,
J. M. Blair,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
J. P. Chinn,
Sidney G. Clay,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
C. F. Crecelius,
F. E. Graves,
Robt. L. Harris,
Samuel D. Hines,
Hite Huffaker,
W. T. Kenton,
Wm. F. Klair,
Hugh Mahin,,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
Marion F. Pogue,
A. H. Points,
W. A. Price,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Steers,

W. B. Creekmore,	L. C. Owings,	Geo. C. Waggoner,
Wm. S. Dean,	S. P. Parks,	W. F. Welch,
L. H. Francies,	W. V. Perry,	W. R. Whitlow,
G. G. Frazier,	G. H. Plitt,	J. R. Zimmerman,

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Those who voted in the negative were—

W. G. Keen,	J. W. Perry,	W. Logan Shearer,
O. M. Kelsey,	R. A. Read,	

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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 193. An act to provide a life saving apparatus for the Chief State Inspector of Mines and Assistant Inspector.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Chief State Inspector of Mines be and is hereby authorized and directed to purchase six (6) sets of life-saving apparatus for mines (one set for each Assistant Inspector and one for the Chief Inspector), said apparatus to consist of twelve Draeger oxygen helmets and accessory equipment, such as oxygen tanks, potash cartridges, charging pump, boxes for transportation and such other parts as go to make the apparatus complete, or the same number of sets of such other similar life-saving apparatus, of equal merit to that named, should it prove upon investigation to be the more desirable.

§ 2. The Chief Inspector is directed, before purchase of the apparatus, to visit the manufactory or place of sale of such apparatus and make selection of the apparatus in order that perfect outfits may be assured.

§ 3. Five sets of the apparatus (a set consisting of two helmets and accessories) shall be distributed among the Assistant Inspector of Mines, who shall take due care of their respective sets and see that they are at all times in proper condition for immediate use.

§ 4. The supplies of oxygen and of potash bulbs required from time to time, and necessary repairs to the apparatus, shall be paid for and treated as necessary expenditures by the Inspectors in the performance of their official duties.

§ 5. For the purchase of said apparatus, which shall be the property of the State, the sum of Four thousand ($4,000.00) dollars or so much thereof as may be required is hereby appropriated. The bills for said apparatus shall be paid upon the order of the Chief Inspector of Mines, approved by the Governor, and any unexpended balance shall be returned to the Treasury.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. H. Francies,	W. F. Pitman,
W. D. Allbright,	G. G. Frazier,	G. H. Plitt,
J. W. Berkshire,	Robt. L. Harris,	Marion F. Pogue,
P. W. Berkshire,	L. B. Herrington,	A. H. Points,

Eli Berry,
T. M. Bertram,
J. O. Bogie,
Frank J. Brown,
J. T. Buford,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. C. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
S. B. Johnson,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
W. A. Price,
R. A. Read,
G. T. Reynolds,
J. F. Richardson,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 236. An act to promote and compel attendance of children in schools, and to prevent truancy in cities of the First, Second, Third and Fourth Class, and to enable Boards of Education or Boards of School Trustees of cities of the First and Second Class to establish and maintain parental or truant schools for the care and discipline of truants and for the purpose of reducing truancy.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every parent, guardian or other person in any city of the First, Second, Third or Fourth Class, having the custody, control or supervision of any child, or children, between the ages of seven and sixteen years inclusive, shall cause such child to be enrolled in and to attend some public or private day or parochial school regularly each school year for a full term or period of said school provided that such private or parochial school term shall not be for a shorter period during each year than the term of the public schools in the city of the child's residence. Provided, further, that this act shall not apply in any case where the child has been, or is being, taught at home in such branches as are taught in the public schools for a like period of time, and subject to the same examinations as other pupils of the city in which the child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption the court may order such child to submit to an examination to be given by the city superintendent of schools.

Provided, further, that this section shall not apply to any child who is excused by the board of education or school board of the city in which the parent, guardian or person having the custody, control or supervision of such child or children reside, upon it being shown to the satisfaction of the superintendent or chief executive officer of schools upon certificate of the Health Officer, which certificate shall be filed in the office of the superintendent of schools, that such child is not in proper physical or mental condition to attend school. Provided, further, that the provisions of this act shall not apply to any child between fourteen and sixteen years of age for whom an employment certificate may have been issued in accordance with the provisions of the child labor law.

§ 2. Any parent, guardian or other person having the custody, control or supervision of any child embraced within the provisions of this act, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five ($25.00) dollars for the first offense, and for any subsequent offense, upon conviction thereof, shall be fined in any sum not exceeding one hundred ($100.00) dollars, or by imprisonment in the county jail for any period not exceeding fifty days, or both so fined and imprisoned, in the discretion of the court.

§ 3. Any parent, guardian or other person having the custody, control or supervision of any child, embraced within this act, who, with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred ($100.00) dollars, or by imprisonment in the county jail for a period not exceeding fifty days, or both so fined and imprisoned in the discretion of the court.

Any parent, guardian or other person having the custody, control or supervision of any child embraced within this act, who shall be proceeded against under this act, may prove in defense that he is unable to compel the child under his control to attend school, and he may be thereupon discharged from liability, and such child shall be proceeded against as a delinquent child under the statutes in such cases made and provided.

§ 4. A passport, a duly attested transcript of the certificates of birth or baptism, a certified copy under oath of a record in the family Bible, or other religious record, showing the date and place of birth of such child shall be produced as proof of age. In case such certificate or record as hereinabove provided can not be secured, upon proof of such fact, the record of the age stated in the first school enrollment to be found shall be considered as evidence thereof. If there be no school enrollment showing such fact, other evidence as to the age of said child may be considered.

§ 5. Any fines or penalties provided for in this act shall be for the use of the public schools of the city in which such child resides. Any such fine or penalty may be recovered by rule or in any way in which a court of equity may enforce its orders or decrees.

§ 6. In the first week of July in each year the board of education in each city of the First, Second, Third and Fourth Classes shall appoint at least one person for each ten thousand (10,000) children enrolled in the school census, to serve as truant officer, whose term of office shall be during the pleasure of the board appointing him, who may be removed at any time by said board for cause and whose duties shall be limited to the city where the appointment is made. If in any such city there shall be less than ten thousand (10,000) children enrolled in the school census, there shall be appointed, as above, one truant officer.

Said truant officers shall be residents of the city in which they are appointed, and of good moral character. They must be able to read and write with ease. In cities of the First Class such truant officers shall not engage in any other occupation during such period of time as the schools are in session each year.

Before they shall be eligible for appointment, all applicants for the position of truant officer shall be examined by the superintendent of schools, who shall certify to the Board of Education only such persons qualified as herein provided.

Such truant officer shall receive from the tax levy for school purposes of such cities not less than one ($1.00) dollar, nor more than three ($3.00) dollars per day during such period of time as he may be employed by the school board.

In cities of the First and Second Class, the board of education may appoint a chief truant officer in addition to the truant officer or officers herein provided for or may designate one of the truant officers as provided for as chief truant officer and shall be authorized to pay

such chief truant officer a salary of not exceeding twelve hundred ($1200.00) dollars per year to be fixed by said board. It shall be the duty of the chief truant officer, under the general direction of the superintendent of city schools to supervise, control, and direct the work of all truant officers appointed in such city. Such chief truant officer shall cause to be made and fully kept reports from all truant officers, principals and teachers of the workings of this act and shall be directly charged with the duty of seeing that the provisions of this act are complied with.

§ 7. Truant officers shall examine into any case of truancy within the city or district, and when, from personal knowledge, or by report or complaint from any resident or teacher of the city or district it appears that any child, subject to the provisions of this act, is absent from school without lawful excuse, and in violation of the provisions of this act, or is persistently truant from school, the truant officer shall immediately give written notice to the parents, guardian or person having the custody, control or supervision of such child, that the attendance of such child is required, and if such parent, guardian or person having the custody, control or supervision of such child does not comply immediately with the provisions of this act, then such truant officer shall proceed against such child as a delinquent child, and against such parent, guardian or person having the custody, control or supervision of such child for violation of this act and for contributing to such condition of delinquency in such child. It shall be the duty of all truant officers to report all violations of the child labor law of which they have any knowledge. In cities having a chief truant officer, such reports shall be made to such chief truant officer and in cities having no chief truant officer such reports shall be made by truant officers to the superintendent of city schools. All such violations aforesaid shall be promptly reported by the superintendent of schools or chief truant officer, as the case may be, to the Labor Inspector.

§ 8. The County Court of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act.

§ 9. All school officers and teachers are hereby required to make and furnish, upon demand, any report that may be required by the Superintendent of Public Instruction, or by the Superintendent of Public Schools of cities of the First, Second, Third and Fourth Classes, with reference to the workings of this act, and all truant officers appointed under this act shall keep a full record of the work done by them, in books to be furnished them for that purpose by the State Superintendent of Public Instruction. The Superintendent of Public Instruction shall make and publish an annual report of the workings of this act.

Such truant officers shall be under the direct supervision and control of the city superintendent of schools and shall report to teachers, principals or other persons as directed by him and each city superintendent of schools shall compile and publish an annual report of the work of the truant officer or officers under this act.

§ 10. During the month of August in each year the superintendent of public schools of cities of the First, Second, Third and Fourth Classes shall furnish or cause to be furnished by the truant officer or officers of said city to the principal of each school in their respective cities a list of all children between the ages of seven and sixteen years entitled to attend said school in such form as may be adopted by such superintendent. Said list shall be arranged in such form as such superintendent may prescribe, shall contain the name and age of each child, the name and address of such child's parents, guardian or person having the custody, control or supervision, and such other facts as may be required by the Superintendent of Public Instructions, or superintendent of schools of the city of the First, Second, Third and Fourth Classes.

The principal of each school in cities of the First, Second, Third and Fourth Classes shall report each day, if possible, or at such times as he may be directed by the Superintendent of Schools during such period of time as the schools are in session each year in the respective cities, to the Superintendent of Public Schools in the city in which such

school is situated, or to a truant officer, if so directed by the superintendent the name and address of each child who has been absent from school without lawful excuse, or who is persistently truant from school, together with the name of such child's parent or parents, guardian or person having the custody, control or supervision of such child, and it shall be the duty of the truant officer to whom such report is made, immediately upon the receipt of same to make or cause to be made an examination into the cases of absence or truancy contained in such reports and to take any and all needful steps as provided herein under the statutes of this State, to compel such child to attend school, and in cities where a chief truant officer has been designated or appointed such officer shall file a written report once each month with the city superintendent of schools of all the work done by such chief truant officer and his assistants and in cities where no chief truant officer is designated each truant officer appointed shall file with the city superintendent of schools each month a written report of his work done in the discharge of his duties as set out herein.

§ 11. (a) The board of trustees, board of education, school board or board of commissioners, as the case may be, of any city of the First, or Second Class, are hereby authorized and empowered to equip, maintain and conduct one or more parental or truant schools for the purpose of affording a place where children of compulsory school age, and coming within the provisions of this act, and of the statutes of this State, concerning neglected, dependent and delinquent children, may be detained for the purpose of discipline and instruction hereinafter provided.

(b) Such school or schools may be located either within or without the corporate limits of the city; provided, however, that such school or schools shall not be located outside of the county in which such city is located; and provided, further, that no such school shall be located at or near any penal institution.

(c) No religious instruction shall be given in such school or schools except as is allowed by law to be given in public schools, but the board of trustees, board of education, school board or school commissioners, as the case may be make suitable regulations so that inmates shall receive religious training in accordance with the belief of such children's parents or guardian, either by allowing such religious services to be held in such institution or by arranging for the attendance of public service elsewhere.

(d) Any child committed to such school, or schools, upon an order duly entered by the County Court, may be allowed to return home upon probation and to remain while upon probation, subject to the friendly visitation and supervision of a probation officer of said County Court, and subject at any time to be returned to such school if said child, in the opinion of the County Court, shall violate the terms and conditions of its probation. No child shall be released upon probation in less than four weeks from the time of his or her commitment, nor thereafter, unless the court shall be satisfied that said child, who is probationed will attend regularly some public or private school as herein provided. If any child so released upon probation shall be regular in his or her attendance in school, and his or her conduct as a pupil shall be satisfactory for a period of one year from the date upon which she or he was released upon probation, he or she shall be finally discharged from such parental or truant school, and shall not be recommitted thereto except in a subsequent proceeding undertaken according to the provisions of this act, and to the statutes of this State, concerning neglected, dependent and delinquent children.

(e) Any child released from said school or schools upon probation as herein provided, who shall violate the conditions of his or her probation at any time within one year thereafter, shall, upon the order of the County Court, be returned to such parental or truant school, and shall not again be released upon probation within a period of three months from the date of such re-entering; and if such child shall violate the conditions of a second release upon probation he or she shall be recommitted to such school and shall not be released therefrom on probation until he or she shall have remained in such school one year.

(f) The board of trustees, board of education, school board or school commissioners, as the case may be, of cities of the First or Second Class, may establish any rules or regulations concerning such school or schools not inconsistent with this act or the Constitution or laws of this State.

§ 12. An act entitled "An act to promote and compel attendance of children in schools, and to prevent the truancy in cities of the First, Second, Third and Fourth Class, and to enable boards of education and boards of school trustees of cities of the First and Second Class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy," approved March 19, 1908, is hereby repealed.

§ 13. If any section of this act shall be held to be invalid, such fact shall not affect any other section of this act; it being the intention of the General Assembly, in enacting this act, to enact each section separately; and if any proviso or exception contained in any section of this act shall be held to be invalid, such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this act, and each proviso and exception thereto separately.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Chas. W. Fulton,	C. C. Patrick,
J. W. Berkshire,	Robt. L. Harris,	John C. Pirtle,
T. M. Bertram,	L. B. Herrington,	W. F. Pitman,

Frank J. Brown,	Samuel D. Hines,	Marion F. Pogue,
J. T. Buford,	John W. Holland,	A. H. Points,
L. H. Carter,	W. G. Keen,	W. A. Price,
W. G. Caudill,	W. T. Kenton,	G. T. Reynolds,
Henry Chunn,	O. M. Kelsey,	J. F. Richardson,
J. R. Claypool,	Wm. F. Klair,	J. T. Riherd,
Z. A. Clore,	J. H. Lackey,	S. C. Roberts,
Z. T. Coleman,	H. L. Lewis,	Sam'l L. Robertson,
M. G. Colson,	Hugh Mahin,	S. M. Russell,
Albert J. Counts,	J. H. McWaters,	H. A. Schoberth,
Peter J. Cosgrove,	Don G. McVean,	S. A. Shanklin,
S. F. Crabtree,	R. H. Moss,	W. H. Shanks,
C. F. Crecelius,	H. J. Meyers,	W. Logan Shearer,
W. B. Creekmore,	Ben E. Niles,	W. H. Southall, Jr.,
Wm. S. Dean,	W. H. Newell,	John S. Steers,
L. H. Francies,	L. C. Owings,	Geo. C. Waggoner,
G. G. Frazier,	S. P. Parks,	W. R. Whitlow,

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Those who voted in the negative were—

Sidney G. Clay,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 121. An act relating to public improvements in cities of the Second Class.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3105 of the Kentucky Statutes relating to the construction of sewers in cities of the Second Class be, and the same is hereby amended and re-enacted so as to read as follows:

"§ 3105. The general council shall have power to construct sewers along or under any of the streets, alleys or highways of the city, and may assess the entire cost thereof, including intersections, upon the lots and lands in the neighborhood of said sewers which may be benefited thereby, according to the benefits received, and may levy a special local tax on such lots and lands for the cost of such improvement so assessed thereon, which tax shall be due and payable at the office of the city treasurer, upon completion of the work and acceptance thereof by the general council, and no property shall be exempt from such improvement tax. In every case the general council shall, by ordinance or resolution, fix and determine what lots and lands are benefited thereby, and fix and determine the amount of tax to be levied upon the several lots or lands so benefited: Provided, that where the cost of a sewer does not exceed the sum of one dollar per abutting foot of the property bounding or abutting upon the streets, alleys or highways in, under or along which such sewer may be constructed, then such bounding or abutting property shall be deemed the property benefited thereby, and said cost shall be apportioned and assessed equally on such abutting lots or lands according to the feet abutting. No ordinance for the construction of a sewer at the cost of the abutting or benefited property owners shall be passed until a resolution declaring such construction a necessity and setting out in general terms the property subject to the payment of the cost of same, shall have passed by a two-thirds vote of the members-elect of each board of the general council, and its determination as to the necessity of any such sewer shall be final.

"All property benefited by such improvement belonging to the city shall be considered and assessed as the property of individuals and the assessment thereon shall be paid by the city out of the general funds of the city.

"The tax provided for herein shall be a lien upon such abutting or benefited property, as the case may be, from the time of the publication of the ordinance levying such tax, and the same shall bear six per cent per annum interest from such time until paid, and if not paid within thirty days shall have added thereto a penalty of ten per cent of the tax: Provided, there shall be no interest charged on any tax paid within such thirty days. The lien herein provided for shall take precedence over all other liens, whether created prior or subsequent thereto, except State, county and municipal taxes and prior improvement taxes, and shall not be defeated or postponed by any private or judical sale or by any mortgage or by any error or mistake in the description of the property or in the name of the owners thereof. Nor property from the lien for, or payment of, such taxes after the work shall any error in the proceedings of the general council exempt any has been done and accepted as provided in this section; but the general council, or the courts in which suits are pending, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event shall the city be liable for any part of the cost of such improvement.

"Such liens may be enforced, as other liens on real estate, by action brought in the name of the city or the contractor entitled thereto, and, in any such action, an allegation in substance that the improvement has been made and the work accepted pursuant to and by ordinances of the city duly passed in accordance with law, shall be a sufficient pleading of the ordinances and proceedings under which the work was done and accepted without setting out the same in full.

"(a) The city auditor shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes

as provided in this act showing the name and portion of the street on which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made.

"Such records shall be subject to inspection by any person desiring to inspect the same, and shall be conclusive evidence of notice, to all persons, of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will report the same to the auditor, who will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. All local taxes paid into the city treasury shall, from time to time, be paid over to the contractor, or other person entitled thereto, upon order of the general council. The auditor shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and no proceeds arising from assessments for each particular improvement shall be diverted to the payment for any other improvement whatever. The proceeds shall in each case constitute a separate special fund for the payment of the contractor for the particular work for which the assessment is made or for the security and payment of improvement bonds, if any are issued, as hereinafter provided for such improvement.

(b) Except as otherwise provided herein, when any such sewer shall have been constructed and the contract therefor completed, the same shall be accepted and the cost thereof apportioned to and assessed upon the abutting and benefited lots and lands, and a local tax levied thereon in all respects in the manner and with the same effect as provided in Sections 3099 and 3100 of the Kentucky Statutes with reference to the acceptance of street improvement, the apportionment of that part of the cost hereof payable by the abutting property owners, and the levy of the tax therefor. Such taxes may be collected and the lien therefor enforced in all respects as provided in said Section 3100.

(c) The general council may provide for such construction of sewers on the ten-year or other annual payment plan and may issue and sell bonds in anticipation of the collection of the special local taxes levied therefor in all respects in the manner and with the same effect as provided in Sections 3101 and 3102 of the Kentucky Statutes relating to the improvements of streets on the ten-year plan and issuing bonds to provide funds for the payment therefor.

(d) The general council may provide for the construction of sewers out of the general fund of the city.

§ 2. Whereas, cities of the Second Class in this Commonwealth are in need of the immediate benefit of this act in order that they may make needed improvements in the construction of sewers, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	W. F. Pitman,
J. W. Berkshire,	Chas. W. Fulton,	Marion F. Pogue,
Eli Berry,	F. E. Graves,	A. H. Points,
J. T. Buford,	L. B. Herrington,	G. T. Reynolds,
L. H. Carter,	John W. Holland,	J. F. Richardson,
Henry Chunn,	Hite Huffaker,	J. T. Riherd,
Sidney G. Clay,	S. B. Johnson,	S. C. Roberts,
J. R. Claypool,	W. G. Keen,	Sam'l L. Robertson,
Z. A. Clore,	W. T. Kenton,	S. M. Russell,

Z. T. Coleman,	Wm. F. Klair,	H. A. Schoberth,
M. G. Colson,	J. H. McWaters,	S. A. Shanklin,
Albert J. Counts,	Don G. McVean,	W. H. Shanks,
Peter J. Cosgrove,	R. H. Moss,	W. Logan Shearer,
S. F. Crabtree,	H. J. Meyers,	W. H. Southall, Jr.,
W. L. Craig,	Ben E. Niles,	John S. Steers,
C. F. Crecelius,	L. C. Owings,	Geo. C. Waggoner,
W. B. Creekmore,	J. W. Perry,	W. R. Whitlow,
Wm. S. Dean,	W. V. Perry,	J. H. Williams,
L. H. Francies,	John C. Pirtle,	J. R. Zimmerman,

—57

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 329. An act to amend Subsection 3 of Section 217a, Article 1, Chapter 16, entitled "Charitable Institutions."

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 3, of Section 217a, Article 1, Chapter 16, of Kentucky Statutes, be amended as follows: So much of said Subsection 3, beginning with the words "The board shall elect a secretary" and ending with the words "an annual salary of twelve hundred dollars ($1,200)," be stricken out and in lieu thereof there shall be inserted in said Subsection 3 the following words: "The board shall elect a secretary who shall hold his office at the pleasure of the board and who shall receive for his services the sum of one hundred and fifty ($150.00) dollars per month and his necessary traveling expenses while in the discharge of his duties."

Said Subsection 3, when amended, will read as follows:

"§ 3. Compensation of Members—Secretary and Treasurer—Office at Capitol—Meetings of Board—Reports to Governor. The Board of Control shall elect one of its members president and each member shall receive as compensation for his services a salary of two thousand five hundred ($2,500) dollars per year and his necessary traveling expenses in the discharge of his duties, which expenses shall be itemized and approved by the board and certified to the Auditor of Public Accounts. The salaries of the members of the board and employes shall be paid monthly as now paid to other State officials. The Board shall elect a secretary who shall hold his office at the pleasure of the Board and who shall receive for his services the sum of one hundred and fifty ($150.00) dollars per month and his necessary traveling expenses while in the discharge of his duties, and the Board may in its discretion select for each institution a treasurer whose salary shall not exceed five hundred ($500.00) dollars per annum and who shall be required to give bond to be approved by the Board of Control, the amount of said bond to be fixed by the Board for the faithful performance of his duties.

"An office shall be provided for the Board at the capitol, and at least one member of the Board and the secretary shall remain in Frankfort all the time, when not attending a Board meeting at some one of the institutions. The board shall adopt such by-laws and regulations for the transaction of its business and the management of its affairs as it may consider expedient and are not inconsistent with law. The Board of Control shall hold regular meetings at each of the institutions under their control, as provided in this act, at least once in each month and oftener if the interests of the institution shall require, and shall make a minute and thorough examination of the affairs, management, property, clothing, food, supplies, condition of buildings and ground, and the conduct of each and every official and employe of said institution, of which they shall make a complete record, together with such rules and regulations as they may give. Meetings may be called by the president or any two commissioners and they shall maintain a vigilant

inspection of such institutions and ascertain whether the moneys appropriated for their aid have been judiciously and economically expended and whether the objects of the several institutions are being accomplished and the laws in relation to same fully complied with, and will report in writing to the Governor during the month of October each year the result of their investigations, together with such other information and recommendations as they may deem proper."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
Eli Berry,
T. M. Bertram,
Frank J. Brown,
J. T. Buford,
J. P. Chinn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
W. L. Craig,
C. F. Crecelius,
W. B. Creekmore,
H. C. Duffy,
L. H. Francies,
G. G. Frazier,
Chas. W. Fulton,
F. E. Graves,
Robt. L. Harris,
L. B. Herrington,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
Wm. F. Klair,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
R. H. Moss,
H. J. Meyers,
L. C. Owings,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
A. H. Points,
G. T. Reynolds,
J. F. Richardson,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,

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Those who voted in the negative were—

C. C. Patrick, Marion F. Pogue, J. F. Porter,
J. W. Perry,
—4

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 67. An act to provide for County inspectors of apiaries and defining their duties, and providing for their compensation, for the purpose of curing and avoiding foul brood and other diseases among bees and their hives.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a petition is presented to the county judge of any county in the State of Kentucky, signed by three or more persons, all of whom are residents of said county, and possessors of an apiary or place where bees are kept, praying that inspector be appointed by said county judge, said county judge shall within five days after the presentation of said petition, appoint a person as bee inspector who is resident of said county, who shall be a skilled bee keeper, having a thorough knowledge of foul brood and other diseases injurious to bees and their larvae and the treatment of same.

§ 2. The person so appointed shall, within five days after his appointment, file with the said county judge his written acceptance of the office, or, in default thereof, or in case of vacancy, the county judge in the same manner may make new appointments until the said office is filled. The inspector shall hold his office for two years and until his successor is appointed and qualified, except when on petition of ten persons (each of whom is a resident of said county and possessor of an apiary), to judge of said county, he may remove said inspector for cause of a hearing of petitioners.

§ 3. Any bee keeper or other persons who shall have cause to believe that an apiary in his county is affected with foul brood or other disease, either in his own apiary or elsewhere, shall notify the inspector stating that on information or belief, he believes that certain apiares, describing the location, naming the owner or keeper, is affected with foul brood or other disease, and his ground for such belief. On receiving said notice from any source of the existence in any apiary in his county, of the disease known as foul brood, or any other infectious or contagious disease of bees, the county inspector of bees shall forthwith inspect each colony of bees and all hives, implements and apparatus, honey and supplies on hand or used in connection with such apiary, and distinctly designate each colony or apiary which is infected and notify the owner or person in charge of said bees thereof, in writing, and the owners of said bees, or the person in charge thereof shall in good faith apply, and thereafter fully and effectually carry out to and upon such diseased colonies, such treatment as may have been prescribed by said inspector for such cases; also, thoroughly disinfect, to the satisfaction of the inspector, all hives, bee houses, honey and apparatus that have been used in connection with any such diseased colonies; or, at his election, the said owner or person in charge of such bees may within the same time utterly and completely destroy said bees, hives, houses, comb, honey and apparatus by first killing the bees (by the use of sulphur fumes when the bees are in the hives for the night), by fire, or bury the same in the ground with a covering of not less than two feet of earth.

§ 4. The inspector of bees shall have the right to enter the premises of any bee keeper where the bees are kept, and inspect such bees, and any person resisting or refusing to allow said inspection by said bee inspector shall be guilty of a misdemeanor and may be then and there arrested by said bee inspector or person deputized by him and brought before a justice of the peace, and upon conviction shall be fined not less than ten or more than twenty-five dollars.

§ 5. After inspecting, working with, or handling infected fixtures, or handling diseased bees, the inspector or other person shall, before leaving the premises, or proceeding to any other apiary, thoroughly disinfect his own person and clothing, and shall see that any assistant or assistants that may have been with him have also thoroughly disinfected their clothing and person.

§ 6. The inspector shall have full power in his discretion to order any owner or possessor of bees dwelling in box hives or gums (being mere boxes or gums without frames) to transfer such bees to movable frame hives within a specified time and in default of such transfer, after said length of time, the inspector may transfer such bees at the owner's expense, if free from disease; but, if diseased, he may destroy or order the destruction of such hives and bees as a public nuisance.

§ 7. Should any owner, or keeper of, or other person having diseased bees or their larvae, or of any affected hives or combs, appliances or utensils for bee keeping, sell or barter or give away the same or allow the same or any part thereof to be moved, such person shall be guilty of a misdemeanor, and upon conviction such person shall be fined not less than ten no more than twenty-five dollars.

§ 8. Should any person whose bees have been destroyed or treated for foul brood, sell, or offer for sale, any bees, hives or appurtenances of any kind after such destruction or treatment and before being authorized by the inspector to do so, or should he expose,

in his bee yard or elsewhere, and infected comb, honey or other infected thing, or conceal the fact that such disease exists among his bees, such person shall be guilty of a misdemeanor, and upon conviction such person shall be fined not less than ten or more than twenty-five dollars.

§ 9. If any owner or keeper of bees knows of, or after being notified by the bee inspector that foul brood or other infectious or contagious disease exists in any of the hives in the apiares owned or in charge of said persons and shall fail to comply within ten days from receiving said knowledge and the date of receiving instructions from the county inspector to cure or destroy the bees or hives, or their appliances, such person shall be guilty of a misdemeanor, and upon conviction thereof such person shall be fined not less than twenty dollars or more than fifty dollars.

§ 10. When the owner or possessor of bees shall disobey the directions of said bee inspector in curing or destroying any diseased bees, honey, comb, hives or appliances, said bees, honey, comb, hives and appliances shall be declared a public nuisance, and said bee inspector shall at once destroy said bees, honey, hives or appliances, and may deputize such additional persons as he may find necessary to effect such destruction.

§11. The inspector shall make a semi-annual report in writing, under oath, to the Fiscal Court of the County, in which report he shall state the days and number of hours in the preceding months spent by him in the actual discharge of his duties, and shall in said report state the name of the owner or keeper, and the location of the apiary upon which such time was spent in curing or destroying said bees, together with an itemized account showing the dates and amounts, and for what said expenses were incurred, and to whom the same was paid, and for what services and considerations such indebtedness was incurred, and he shall make a full and complete report of all he did and results of his treatment of any apiary.

§ 12. After the inspector of bees in any county shall make report, and provided in the preceding section, said Fiscal Court shall allow to said inspector of bees, four ($4) dollars for a full day and two dollars for each half day, necessarily and actually employed in the discharge of his duties under this act, together with his necessary and actual expenses while so employed to be audited, allowed, and paid by the county treasurer upon the warrant of the Fiscal Court of the county.

§ 12a. There shall be levied annually on the owner of each colony of bees in each county in the State, an annual tax of five (5) cents for each colony owned, which levy shall be placed on the tax books of the county by the Fiscal Court of such county at the time of the levy of other taxes each year and such levy shall be predicated upon the returns for taxation as made by the assessor having jurisdiction in the premises for the return of personalty for taxation such assessor shall be provided with necessary authority to procure such returns from owners of colonies of bees, who shall on demand be required to list the same for taxation for the purposes of this act, as in other cases of listing and valuation of personalty for taxation. The sheriff of the county shall collect the amount of said tax so assessed in the same manner and at the same time he collects other taxes, and the same shall be certified to him by the Fiscal Court in the same manner as other taxes for collection. The amount so collected shall constitute a special fund to be disposed of in the payment of salary and actual expenses of the inspector of bees appointed in pursuance of the provisions of this act, and said fund can be used in no other way.

§ 13. This act shall become a law from its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	A. H. Points,
W. D. Allbright,	Robt. L. Harris,	W. A. Price,
J. W. Berkshire,	L. B. Herrington,	G. T. Reynolds,
T. M. Bertram,	Samuel D. Hines,	J. F. Richardson,
J. O. Bogie,	Hite Huffaker,	Farris Roberts, Jr.,
Frank J. Brown,	S. B. Johnson,	S. C. Roberts,
J. T. Buford,	W. G. Keen,	Sam'l L. Robertson,
L. H. Carter,	W. T. Kenton,	S. M. Russell,
Sidney G. Clay,	Wm. F. Klair,	H. A. Schoberth,
J. R. Claypool,	Hugh Mahin,	S. A. Shanklin,
Z. A. Clore,	J. H. McWaters,	W. H. Shanks,
Z. T. Coleman,	Don G. McVean,	W. Logan Shearer,
M. G. Colson,	H. J. Meyers,	W. H. Southall, Jr.,
Albert J. Counts,	L. C. Owings,	John S. Steers,
Peter J. Cosgrove,	S. P. Parks,	J. J. Taylor,
W. L. Craig,	C. C. Patrick,	Geo. C. Waggoner,
C. F. Crecelius,	W. V. Perry,	W. F. Welch,
W. B. Creekmore,	W. F. Pitman,	W. R. Whitlow,
H. C. Duffy,	G. H. Plitt,	L. F. Withers,
G. G. Frazier,	Marion F. Pogue,	I. R. Zimmerman,
Chas. W. Fulton,		—61

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 201. An act to readjust and fix the salaries of Assistant Inspectors of Mines.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each assistant inspector of mines shall receive an annual salary of fifteen hundred dollars ($1,500), payable monthly, and shall likewise be allowed and paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

§ 2. This act shall take effect in accordance with the law.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,
J. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
J. T. Buford,
L. H. Carter,
Sidney G. Clay,
J. R. Claypool,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. B. Johnson,
W. G. Keen,
Wm. F. Klair,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
Geo. W. Reid,
G. T. Reynolds,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,

C. F. Crecelius,	W. V. Perry,	J. J. Taylor,
W. B. Creekmore,	John C. Pirtle,	E. E. Trivette,
G. G. Frazier,	W. F. Pitman,	Geo. C. Waggoner,
L. B. Herrington,	G. H. Plitt,	W. F. Welch,
Samuel D. Hines,	Marion F. Pogue,	J. H. Williams,
John W. Holland,	W. A. Price,	L. F. Withers,

—57

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The house took up for consideration from the Orders of the Day a bill entitled:

S. B. 40. An act to amend Section 1884 of Chapter 52 of the Kentucky Statutes, Carroll's Edition of 1909, entitled "Fiscal Courts."

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1884 of Chapter 52 of Kentucky Statutes, Carroll's edition of 1909, entitled "Fiscal Courts," be and the same is hereby amended as follows: By striking out from said Section 1884 the following words which appear in the fourth and fifth lines thereof, viz: "In a sum equal to double the amount of the taxes likely to come into his hands," and by inserting in lieu thereof the following

words "in a definite penal sum which shall be determined and fixed by the Judge of the County Court." So that said Section 1884 as amended and re-enacted shall read as follows:

"That the Sheriff or other officer who may collect these taxes shall annually, before he proceeds to do so, execute bond to the Commonwealth of Kentucky, in the County Court of each respective county, with one or more sufficient sureties, in a definite penal sum which shall be determined and fixed by the judge of the County Court, for a faithful performance of his duty, and to pay over in due time to the proper party, as directed by the court, all money collected by him; said bond to be approved by order of the County Court, and when approved to be recorded in the order-book, and safely kept by the County Court clerk; and the officer collecting said taxes shall be allowed the same compensation as officers are who collect the State revenue; and he shall annually settle his accounts with the court of claims or Fiscal Court as such collector, and may re required to settle oftener, in the discretion of said court, by order entered of record, a copy of which shall be served on the officer; and his settlements shall show the amount of poll-tax, and also the amount of ad valorem tax collected, and an itemized statement of the moneys disbursed, and the same shall be published for at least two weeks in the paper published in the county having the largest circulation therein, if any be published in the county; if none, then the settlement shall be published by written or printed handbills posted at the front door of the courthouse, and at least three other public places in the county."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with.

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	H. C. Duffy,	W. F. Pitman,
J. W. Berkshire,	G. G. Frazier,	G. H. Plitt,
Eli Berry,	Chas. W. Fulton,	W. A. Price,
T. M. Bertram,	F. E. Graves,	G. T. Reynolds,
J. O. Bogie,	L. B. Herrington,	J. F. Richardson,
Frank J. Brown,	John W. Holland,	Farris Roberts, Jr.,
J. T. Buford,	Hite Huffaker,	S. C. Roberts,
S. M. Carson,	W. G. Keen,	Sam'l L. Robertson,
L. H. Carter,	Wm. F. Klair,	H. A. Schoberth,
W. G. Caudill,	H. L. Lewis,	S. A. Shanklin,
J. P. Chinn,	Hugh Mahin,	W. H. Shanks,
Henry Chunn,	J. H. McWaters,	W. H. Southall, Jr.,
Sidney G. Clay,	H. J. Meyers,	John S. Steers,
J. R. Claypool,	Ben E. Niles,	J. J. Taylor,
Z. A. Clore,	W. H. Newell,	Geo. C. Waggoner,
Z. T. Coleman,	L. C. Owings,	W. R. Whitlow,
Albert J. Counts,	S. P. Parks,	L. F. Withers,
Peter J. Cosgrove,	W. V. Perry,	J. R. Zimmerman,
C. F. Crecelius,	John C. Pirtle,	—56

Those who voted in the negative were—

J. T. Riherd,

Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 240. An act to amend Article 4, Section 186d of Chapter 11a of the Kentucky Statutes, Carroll's Edition, 1909, entitled "An act relating to the bonds of public officials and other bonds required by law.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the word "double" be stricken out from Section 186d and that paragraph 2 in its entirety be stricken out, so that said section as amended and re-enacted shall read as follows:

§ 1. That the bond required by law to be executed and given by any State, county, city, or other public official, and the bond required by law of any depository of State, county, city or other public funds, and the bond of any executor, administrator, guardian, committee, assignee, or other fiduciary, and any other bond required by law for the discharge or performance of any public or fiducial office, trust or employment, shall be a covenant to the Commonwealth of Kentucky, from the principal and surety, or sureties, that the principal will faithfully discharge the duties of the office, trust, or employment, and such bond shall be limited in a definite penal sum, which shall be determined and fixed by the officer or officers whose duty it is to approve the bond, and the recovery against the surety under any such bond shall be limited to the amount of the penalty named therein: Provided, that the bond of any executor, administrator, guardian, committee, assignee, or other fiduciary, shall be fixed in a penal sum of not less than the estimated value of the estate, and, provided further, that the officer or officers taking any bond mentioned in this act, may at any time when it may appear to be to the interest of the obligee or obligees, increase the penal sum of such bond or require a renewal thereof with other or additional sureties.

§ 2. All laws in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	Marion F. Pogue,
J. W. Berkshire,	L. B. Herrington,	W. A. Price,
Eli Berry,	John W. Holland,	L. R. Ray,
T. M. Bertram,	Hite Huffaker,	Geo. W. Reid,
J. O. Bogie,	O. M. Kelsey,	J. F. Richardson,
Frank J. Brown,	Wm. F. Klair,	Farris Roberts, Jr.,
J. T. Buford,	John M. Letterle,	S. C. Roberts,
S. M. Carson,	Hugh Mahin,	Samuel L. Robertson,
L. H. Carter,	Don G. McVean,	S. M. Russell,
Henry Chunn,	Frank S. Moore,	H. A. Schoberth,
J. R. Claypool,	H. J. Meyers,	S. A. Shanklin,
Z. A. Clore,	Ben E. Niles,	W. H. Shanks,
Z. T. Coleman,	W. H. Newell,	W. H. Southall, Jr.,
Peter J. Cosgrove,	L. C. Owings,	John S. Steers,
C. F. Crecelius,	S. P. Parks,	J. J. Taylor,
W. B. Creekmore,	W. V. Perry,	Geo. C. Waggoner,
L. H. Francies,	John C. Pirtle,	W. R. Whitlow,
G. G. Frazier,	W. F. Pitman,	L. F. Withers,
Chas. W. Fulton,	G. H. Plitt,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 13. An act changing and fixing the time for holding courts in the Thirty-second Judicial District of Kentucky.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding courts in the Thirty-second Judicial District of Kentucky shall be as follows:

Lawrence County, at Louisa, on first Monday in January, second Monday in April and fourth Monday in August, each term to continue twenty-four juridical days.

Elliott County, at Martinsburg, first Monday in February, second Monday in May and fourth Monday in September, each term to continue twelve juridical days.

Carter County, at Grayson, third Monday in February, fourth Monday in May and second Monday in October, each term to continue twenty-four juridical days.

Morgan County, at West Liberty, third Monday in March, fourth Monday in June and third Monday in November, each term to continue eighteen juridical days.

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force on and after the first day of August, 1910.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	John W. Holland,	G. H. Plitt,
W. D. Allbright,	Hite Huffaker,	Marion F. Pogue,
J. W. Berkshire,	W. G. Keen,	W. A. Price,
P. W. Berkshire,	W. T. Kenton,	Geo. W. Reid,
Eli Berry,	Wm. F. Klair,	G. T. Reynolds,
J. O. Bogie,	John M. Letterle,	J. F. Richardson,
Frank J. Brown,	H. L. Lewis,	J. T. Riherd,
J. T. Buford,	Hugh Mahin,	Farris Roberts, Jr.,
L. H. Carter,	Don G. McVean,	S. C. Roberts,
W. G. Caudill,	Frank S. Moore,	Sam'l L. Robertson,
Henry Chunn,	R. H. Moss,	S. M. Russell,
J. R. Claypool,	H. J. Meyers,	H. A. Schoberth,
Z. T. Coleman,	Ben E. Niles,	S. A. Shanklin,
Albert J. Counts,	W. H. Newell,	W. H. Shanks,
Peter J. Cosgrove,	L. C. Owings,	W. Logan Shearer,
C. F. Crecelius,	S. P. Parks,	W. H. Southall, Jr.,
W. B. Creekmore,	C. C. Patrick,	John S. Steers,
H. C. Duffy,	J. W. Perry,	Geo. C. Waggoner,
G. G. Frazier,	W. V. Perry,	J. H. Williams,
F. E. Graves,	John C. Pirtle,	L. F. Withers,
L. B. Herrington,	W. F. Pitman,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Buford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

And then the House adjourned until 9 o'clock to-morrow morning.

TUESDAY, MARCH 15, 1910.

The House was opened with prayer by Rev. J. S. Sims, of the Methodist Episcopal Church, South.

The reading of the journal of yesterday's proceedings was dispensed with.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House entitled:

H. B. 156. An act creating a County Text-book Commission to adopt for use in each county in this Commonwealth a uniform series of text-books, regulating the prices thereof, defining the powers and duties of said Commission, and the method of selection of such text-books and distribution and prescribing penalties for violation of this act.

A message was received from the Senate announcing that they had passed bills and a resolution which originated in the House of Representatives of the following titles:

H. B. 37. An act to amend an act entitled "An act for the Government and Regulation of the Common Schools of this State," approved March 24, 1908.

H. B. 19. An act to amend Chapter 58 of the Session Acts of 1908 entitled "An act enabling the Kentucky State Board of Pharmacy to exchange certificates of registration with other States allowing pharmacists in a foreign State to practice in the State of Kentucky.

H. B. 90. An act providing for an additional compensation for jurors in the Circuit Courts of this Commonwealth.

H. B. 93. An act to protect religious worship in assemblages known as associations, camp meetings, etc.

H. B. 99. An act creating the office of District Detective to the Commonwealth's Attorney in all counties of this Commonwealth having cities of the Second Class.

H. B. 124. An act to amend and re-enact Section 3681, Kentucky Statutes, Carroll's Edition, 1909, and enact Subsection 3681a, Kentucky for the appointment or election of town marshals in Sixth Class towns.

H. B. 130. An act concerning employment of persons to serve as foremen for coal mines, and regulating the granting of certificates of qualification to persons who act as such mine foremen.

H. B. 138. An act to amend an act amending Section 965 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District, which amendment was approved March 17, 1896.

H. B. 151. An act to further regulate assessment fire insurance companies.

H. B. 153. An act appropriating money to pay for the erection of buildings and other improvements upon the State Fair Grounds and to purchase additional land for the use of the State Fair.

H. B. 302. An act repealing the charter of the Dycusburg Public School.

H. B. 391. An act to amend and re-enact Section 4338 of the Kentucky Statutes.

H. B. 397. An act to amend and re-enact Section 2463 of the Kentucky Statutes entitled "Mechanics and Material-men," which became a law February 25, 1893.

H. B. 502. An act to amend Section 281 of the Code of Practice in Criminal Cases.

H. B. 539. An act to amend an act entitled "An act for preventing the manufacture and sale of adulterated or misbranded food, drugs, medicines and liquors, and proving penalties for violations thereof.

H. B. 541. An act to amend Section 684 of Subdivision 4, of Article 4, Chapter 32, of the Kentucky Statutes 1903, pertaining to insurance companies.

H. Res. 24. Resolution creating a commission to examine into the condition of the public roads in the various counties of this Commonwealth to ascertain the manner and method of building and maintaining roads in other States and report to the next General Assembly.

With an amendment to said resolution.

(For resolution see House Journal, March 10.)

The amendment as proposed by the Senate to said resolution is as follows:

Amend by striking out the words "selected by the Rules Committee" and inserting in lieu thereof the words "selected by the President."

Mr. Klair moved that the House refuse to concur in said amendment.

Said motion was agreed to.

That they had concurred in an amendment proposed by the House to a bill which had originated in the Senate entitled:

S. B. 279. An act to amend Sections 205 and 210 of an act providing for the creation and regulation of private corporations which

became a law April 5, 1893, being Chapter 171 of the Session Acts of 1891-92-93, and being also Sections 786 and 793, Carroll's Edition of the Kentucky Statutes.

A message was received from the Senate announcing that they had proceeded in accordance with the Constitution and had re-considered a bill entitled:

H. B. 347. An act to regulate the establishment of Industrial Schools.

Being the same bill which had been returned by the Governor without his approval and signature to the House of Representatives where it originated.

That after said re-consideration they had passed said bill, the objections of the Governor to the contrary notwithstanding, and delivered the same to the House.

That they had adopted a resolution as follows:

S. Res. 20. Resolution providing for inscribing the poem "The Bivouac of the Dead" on the military monument in the Frankfort Cemetery.

Be it resolved by the General Assembly of the Commonwealth of Kentucky, that:

Whereas, it appears that the beautiful poem entitled "The Bivouac of the Dead," by Col. Theodore O'Hara, a gallant soldier of two wars, has been engraved, in whole or in part, over the entrance to, and upon monuments in cemeteries, local and national, throughout the United States, but no similar record of it has ever been made in this the native State of the gifted author, therefore,

Be it resolved, That the Custodian of Public Buildings and Grounds be, and he is hereby, directed to have said poem inscribed in

a suitable place upon the military monument erected in the Frankfort Cemetery by the State of Kentucky in memory of her illustrious dead, and that the expense incident thereto be paid out of moneys which may hereafter come into his hands by reason of the sale of the State's property still remaining at the old Capitol.

Mr. Pogue, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

S. B. 318. An act to amend Section 4645a, Kentucky Statutes, Carroll's Edition 1909, increasing the salary of the stenographer to the Governor.

S. B. 336. An act appropriating money to refund interest paid on Auditor's Warrants issued to the three State Asylums and the Kentucky Institution for Feeble-minded Children, to pay indebtedness incurred in the erection and equipment of power plant at the Kentucky Institution for Feeble-minded Children, and for the construction of an adequate water system at the Central Kentucky Asylum for the Insane.

S. B. 5. An act to amend Section 3490, Subsection 22 of the Kentucky statutes relating to cities of the Fourth Class.

S. B. 85. An act to authorize the trustees of the jury fund to pay persons summoned as jurors of this Commonwealth.

S. B. 53. An act amending Section 74, Title 5, of the Civil Codes of Practice.

S. B. 26. An act to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths and burial or removal permits, requiring prompt returns to the Bureau of Vital Statistics, as required to be established by the State Board of Health, to provide for the reporting of morphidite statistics and to insure the thorough organization and efficiency of the registration of Vital Statistics throughout the State and providing penalties.

S. B. 123. An act for the benefit of the Kentucky School for the Deaf.

S. B. 265. An act to amend Section 388 of the Kentucky Statutes touching record books.

S. B. 320. An act requiring Fiscal Courts to levy a tax to create sinking fund for the purpose of erecting and equipping suitable court houses and other public buildings, and prescribing penalty for failure to perform such duty.

S. B. 181. An act providing for the payment of the expenses of the Tax Revision Commission and the Advisory Commission and appropriating money therefor.

S. B. 89. An act to provide for the punishment of persons responsible for or directly promoting or contributing to, the conditions that render a child dependent, neglected or delinquent.

S. B. 80. An act to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses.

S. B. 41. An act designating electrocution as the means of inflicting the death sentence.

S. B. 322. An act to amend and re-enact Sections 12, 13, 14, 17, 18, 19, 20 and 26 of an act entitled "An act concerning Conveyance," approved April 22, 1893, and being Sections 501, 502, 506, 507, 508 and 514, Chapter 29, of Kentucky Statutes, compiled by John D. Carroll and issued in 1909; and to amend and re-enact Section 1 of an act entitled "An act to cure certain defective certificates of Proof Deeds and to make copies from the records *prima facie* evidence in the courts and tribunals of this State" approved March 24, 1902, and being Section 509a of said Statutes.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found

to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 211. An act to legalize slave marriages and the issue of same in this State.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all Negroes and Mulattoes who lived and cohabited together as man and wife prior to February 14, 1866, and who so continued to live and cohabit since that time up to the death of either or both of them and all who are now so living and cohabiting together, who so lived and cohabited prior to February 14, 1866, shall be taken and held in law as legally married, and their issue held as legitmate for all purposes.

§ 2. The customary marriages and the issue of same of Negroes and Mulattoes prior to February 14, 1866, shall be held legitimate.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
Frank J. Brown,
Frank J. Brown,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
J. P. Chinn,
Henry Chunn,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
C. F. Crecelius,
L. H. Francies,
G. G. Frazier,
H. T. Gartin,
L. B. Herrington,
Robt. C. Hill,
John W. Holland,
W. T. Kenton,
Wm. F. Klair,
J. H. Lackey,
H. L. Lewis,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
W. H. Newell,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. F. Richardson,
J. T. Riherd,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
L. F. Withers,
J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 27. An act to amend Section 965 of the Kentucky Statutes which relates to the time of holding circuits in the First Judicial District.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 965 of the Kentucky Statutes, relating to the time of holding Circuit Court, in the First Judicial District, be amended, so that the part of said section relating to the time and place of holding Circuit Court in said First Judicial District, when amended, shall read as follows:

First District.—Fulton County, at Hickman, or Fulton as provided by law, and as the business in Court may require, on the third Monday in January, twelve juridical days; first Monday in May, twelve juridical days; third Monday in September, eighteen juridical days.

Hickman County, at Clinton, on the first Monday in February, twelve juridical days; third Monday in May, twelve juridical days; second Monday in October, eighteen juridical days.

Carlisle County, at Bardwell, on the third Monday in February, twelve juridical days; first Monday in June, twelve juridical days; first Monday in November, twelve juridical days.

Ballard County, at Wickliffe, on the first Monday in January, twelve juridical days; third Monday in April, twelve juridical days; fourth Monday in August, eighteen juridical days.

Graves County, at Mayfield, on the first Monday in March, thirty-six juridical days; third Monday in June, eighteen juridical days; third Monday in November, thirty-six juridical days.

§ 2. That no inconvenience may arise in the holding of courts in said district, this act shall take effect and be in force from and after July 10, 1910.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	H. C. Duffy,	G. H. Plitt,
J. W. Berkshire,	L. H. Francies,	A. H. Points,
Eli Berry,	G. G. Frazier,	W. A. Price,
T. M. Bertram,	L. B. Herrington,	L. R. Ray,
J. O. Bogie,	John W. Holland,	R. A. Read,
O. Houston Brooks,	Hite Huffaker,	G. T. Reynolds,
Frank J. Brown,	R. Dillard Hunter,	H. T. Rich,
J. T. Buford,	W. T. Kenton,	J. F. Richardson,
S. M. Carson,	Wm. F. Klair,	J. T. Riherd,
L. H. Carter,	J. H. Lackey,	S. C. Roberts,
W. G. Caudill,	John M. Letterle,	S. M. Russell,
J. P. Chinn,	H. L. Lewis,	S. A. Shanklin,
Henry Chunn,	Hugh Mahin,	W. Logan Shearer,
Sidney G. Clay,	Don G. McVean,	W. H. Southall, Jr.,
J. R. Claypool,	R. H. Moss,	John S. Steers,
Z. T. Coleman,	H. J. Meyers,	J. J. Taylor,
M. G. Colson,	Ben E. Niles,	E. E. Trivette,
Albert J. Counts,	W. H. Newell,	J. W. Turner,
Peter J. Cosgrove,	S. P. Parks,	Geo. C. Waggoner,
S. F. Crabtree,	J. W. Perry,	W. F. Welch,
C. F. Crecelius,	John C. Pirtle,	L. F. Withers,
W. B. Creekmore,	W. F. Pitman,	J. R. Zimmerman,

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Those who voted in the negative were—

Geo. W. Reid,

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 284. An act authorizing transportation companies in this State to sell at public auction unclaimed articles not perishable in their possession after a period of six months, and in case of freight that is perishable and unclaimed it may be sold as soon as deemed necessary and proper in order to protect the company, consignor and consignee.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any express, railroad, or other company engaged in the express business, or in any way in the transportation of articles of any kind, as freight or baggage, and having an office or place of business in this State, having any unclaimed articles, not perishable, in its possession for a period of six months, at least, may, at the expiration of that time, proceed to sell the same at public auction, and out of the proceeds thereof may retain the expense of transportation, storage, advertisement and sale, said articles can be sold at any point where the company believes the best price can be obtained: Provided, however, that notice of such sale shall be given to the consignor and consignee, in writing, not less than thirty days before such sale shall be made, or notice of such sale shall be published for four weeks in some newspaper of general circulation in this State. In case the freight is perishable and unclaimed, it may be sold as soon as it is deemed necessary and proper in order to protect the company, consignor or consignee. Where it is practicable and sale is made of perishable goods consignor and consignee shall be notified. A record shall be kept of

the articles sold and prices obtained therefor, and the surplus, if any, after payment of charges, shall be paid to the owner of such articles, if demanded, at any time within two years from date of sale.

§ 2. This act shall be enforced from its passage, and all acts conflicting with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,
W. D. Allbright,
J. W. Berkshire,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
J. T. Buford,
S. M. Carson,
L. H. Carter,
W. G. Caudill,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
M. G. Colson,
Albert J. Counts,
S. F. Crabtree,
W. B. Creekmore,
H. C. Duffy,
L. H. Francies,
Samuel D. Hines,
John W. Holland,
Hite Huffaker,
R. Dillard Hunter,
S. B. Johnson,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
John M. Letterle,
H. L. Lewis,
L. C. Littrell,
Hugh Mahin,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
Ben E. Niles,
W. H. Newell,
L. C. Owings,
S. P. Parks,
G. H. Plitt,
A. H. Points,
J. F. Porter,
W. A. Price,
L. R. Ray,
R. A. Read,
Geo. W. Reid,
G. T. Reynolds,
H. T. Rich,
J. T. Riherd,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
John S. Steers,
J. J. Taylor,
E. E. Trivette,
J. W. Turner,

G. G. Frazier,	C. C. Patrick,	Geo. C. Waggoner,
H. T. Gartin,	J. W. Perry,	W. F. Welch,
L. B. Herrington,	John C. Pirtle,	W. R. Whitlow,
Robt. C. Hill,	W. F. Pitman,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 182. An act to further amend Section 564, Kentucky Statutes being Section 27 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section twenty-seven (27) of an act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, as amended by an act approved March 25, 1904—said section twenty-seven (27) being Section five hundred and sixty-four (564) Kentucky Statutes—be further amended so that said section as hereby amended shall read as follows:

"Any corporation organized under this law may divide its shares into classes, such as preferred, common and deferred shares, or as may be otherwise designated, and it may give to each of the several classes such priority of right in the payment of the dividends, and in the redemption of the shares, as may be prescribed in the rules and regu-

lations adopted by the shareholders; and may provide that the holders of its bonds shall be entitled, upon terms prescribed by it, to convert the same into the stock of the corporation, whether common or preferred, and that the holders of its preferred stock shall be entitled, upon terms prescribed by it, to convert the same into the bonds or other obligations of the corporation. No preferred stock shall be issued except for cash or its equivalent, nor for less than the par value of the shares, which shall be stated in the certificates representing the preferred and common stock respectively. Any such corporation, all of whose outstanding stock is common stock, may, by a resolution adopted by the vote of the holders of not less than two-thirds in amount of its outstanding capital stock, cast in person or by proxy, at a special meeting of stockholders called for the purpose and of which notice shall have been given as provided in the by-laws of the company, at least twenty days before the date of the meeting, or at the annual meeting of the stockholders of the company, or by the written consent of the holders of not less than two-thirds in amount of its capital stock, distribute or convert its outstanding capital stock into preferred and common stock in such proportion as shall be fixed by such resolution or written consent: Provided, that all holders of stock of the company at the time of such distribution shall be entitled to the same pro rata proportions of such preferred and common stock. And by a resolution adopted by the like vote or by such written consent, the capital stock of any corporation may be increased and the increased stock may be common or preferred stock, or partly one and partly the other, as may be fixed by such resolution or written consent. Any such preferred stock hereinbefore referred to shall be entitled to receive quarterly, semi-annual or annual dividends thereon at such rate as may be prescribed by the resolution or written consent under which the same was issued, and such dividends shall be payable as provided in the said resolution or written consent, before any dividends shall be declared on the common stock; and on the dissolution of the company, voluntarily or otherwise, the holders of preferred stock shall be entitled to have their shares redeemed at par before any distribution of any part of the assets of the company shall be made to the holders of the common stock."

§ 2. In view of the necessity for speedily providing a means to enable corporations to secure the necessary funds for developing their property by giving to those who may purchase their stock and bonds the right of conversion herein granted, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	A. H. Points,
W. D. Allbright,	Robt. C. Hill,	J. F. Porter,
J. W. Berkshire,	John W. Holland,	W. A. Price,
J. O. Bogie,	Hite Huffaker,	L. R. Ray,
O. Houston Brooks,	R. Dillard Hunter,	Geo. W. Reid,
Frank J. Brown,	S. B. Johnson,	G. T. Reynolds,
J. T. Buford,	W. G. Keen,	H. T. Rich,
S. M. Carson,	W. T. Kenton,	J. F. Richardson,
L. H. Carter,	Wm. F. Klair,	J. T. Riherd,
W. G. Caudill,	John M. Letterle,	Farris Roberts, Jr.,
Sidney G. Clay,	Hugh Mahin,	S. C. Roberts,
J. R. Claypool,	Don G. McVean,	Samuel L. Robertson,
Z. T. Coleman,	Frank S. Moore,	W. H. Shanks,
M. G. Colson,	H. J. Meyers,	W. Logan Shearer,
Albert J. Counts,	Ben E. Niles,	W. H. Southall, Jr.,
S. F. Crabtree,	L. C. Owings,	John S. Steers,
C. F. Crecelius,	W. F. Pitman,	Geo. C. Waggoner,
L. H. Francies,	G. H. Plitt,	W. F. Welch,
T. D. Graham,	Marion F. Pogue,	W. R. Whitlow,

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Those who voted in the negative were—

H. C. Duffy, L. H. Francies,

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 245. An act to amend and re-enact Sections twelve and fourteen of Article four and Sections ten and fourteen of Article eight of an act entitled " An act for the government of cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, being Sections 3069, 3071, 3183 and 3187 respectively of the Kentucky Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 12 of Article 4 of an act entitled "An act for the government of cities of the Second Class in the Commonwealth of Kentucky," approved March 19, 1894, being Section 3069 of the Kentucky Statutes, be, and the same is, amended and re-enacted as follows:

§ 12. The general council shall not expend any money in excess of the amount annually levied, collected or appropriated for any special object. Provided: If, in any year, the general council shall deem it necessary to incur any indebtedness, the payment of which cannot be

met without exceeding the income and revenue provided for the city for that particular year, it shall, by ordinance, order an election by the qualified electors of the city to be held, to determine whether such indebtedness shall be incurred. Such ordinance shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as herein provided. Such ordinance shall be published for at least two weeks just preceding the election in the official newspaper in and for such city, or by posting written or printed copies thereof at three or more public places in such city, if there be no such official newspaper. Upon filing by the city of a certified copy of an ordinance ordering such an election with the county clerk of the county in which such city is located, thirty days prior to any regular election, it shall be the duty of the county clerk to cause to be printed upon the ballots, to be used in the city precincts of such county at such election, the question of the issuance of bonds by said city as proposed by such ordinance. The expenses thereof shall be paid as other election expenses are paid. The election shall be held in the manner provided by general law for submitting public measures to a vote of the people, and shall be held at the same time and place, and in the same manner, and by the same officers as the regular election of that year. The votes on said question shall be canvassed and certified by the election officers in the same manner as votes cast in the regular election. It shall be the duty of the county board of election commissioners to canvass the returns of the election on said question, and certify the result thereof at the same time and in the same manner as the returns of the regular election.

If, upon a canvass of the votes cast at such election, it appears that two-thirds of all the qualified voters of said city, voting on said question, shall have voted in favor of incurring such indebtedness, the general council may incur such indebtedness and issue bonds of the city in evidence thereof, and it shall be the duty of the general council to pass an ordinance providing for the mode of creating

such indebtedness and of paying the same. But such indebtedness shall not, in any event, exceed the limit provided in the Constitution for cities of the Second Class. In such ordinances provision shall be made for the levy and collection of any annual tax upon all real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal hereof, within a period of not more than forty years from the time of contracting the same. It shall be the duty of the general council in each year thereafter, at the time at which other taxes are levied and collected, to levy and collect a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness. Any member of the general council who shall knowingly vote for any appropriation of money, or for the making of any contract in violation of this act, or any officer of the city, who shall knowingly do any act to impose upon the city any pecuniary liability in excess of the authority in this act limited, shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment in the county jail not less than one month nor more than one year, or by both fine and imprisonment.

§ 2. That Section 14 of Article 4 of said act, being Section 3071 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 14. Within the first month of each fiscal year the general council shall, by ordinance, as near as practicable, make all necessary apportionment of the revenue to be raised for such year for the expense of the several departments and for all public works, under proper headings, and for such other objects as it may be necessary to provide for. All ordinances that contemplate the appropriation

of any money shall upon their second reading be referred to the appropriate committee of the board in which such ordinances are introduced, who shall obtain the endorsement thereon of the auditor to the effect that sufficient unappropriated means stand to the credit of the fund or revenue account herein mentioned to meet the requirements of such ordinances, and that the same is in the treasury, or it shall not be lawful to pass the said ordinance. The general council shall have the power to borrow money on the credit of the city in anticipation of revenue from general taxes, for the fiscal half year in which the same is borrowed, and pledge any of the property of the city, except school property, or pledge any part of the anticipated taxes of the city for the payment of the principal and interest of such loan: Provided, that the interest paid shall in no case exceed six per centum per annum. The bonded and floating debt of the city at the time of the passage of this act, which has been authorized by contract or general law, shall remain unimpaired, and the general council may issue renewal bonds or funding bonds, bearing not exceeding six per centum per annum interest, in payment of such bonded or floating debt: Provided, that the issual of said renewal and funding bonds shall not exceed the principal of said bonded and floating debt, and said renewal and funding bonds shall not be sold for less than par and accrued interest.

§ 3. That Section 10 of Article 8 of said act, being Section 3183 of the Kentucky Statutes, be and the same is, amended to read as follows:

§ 10. In the month of March, or as soon thereafter as practicable each year, the General Council shall pass an ordinance levying and providing for the collection of an ad valorem tax on the assessed valuation of the property in said city as certified to them, which with the estimated revenue from other sources, shall be sufficient to meet the anticipated expenditures for the current year; and said ordinance shall specifically fix the rate of taxation for the estimated expenditures of each department of the city government and for such

other objects and purposes as it may be necessary to provide for; and the general council shall in said ordinance, or in subsequent ordinances, apportion all other estimated revenues to such departments, objects or purposes of the city government as it may determine. Should the general council, in any year, fail to levy an ad valorem tax before the first day of May of such year, the ad valorem tax rate of the preceding years shall become the tax rate for the year in which the general council may fail to levy such tax, and shall be deemed to have been levied for such year.

§ 4. That Section 14 of Article 8 of said act, being Section 3187 of the Kentucky Statutes be, and the same is amended and re-enacted to read as follows:

§ 14. When the treasurer shall return the tax-bills to the auditor, the auditor shall separate the personalty bills from the realty bills. The former he shall deliver to the delinquent tax-collector, taking his receipt for the same. From the latter he shall make out a list, giving block and lot numbers and total tax due, and a notice that the treasurer will, on the first Monday in the next month, sell at the court-house or city building door in the city, at public auction, to the highest bidder for cash, each of said tax bills, unless they are in the meantime paid to the treasurer. This list and notice shall be published for at least two weeks in the city's official paper. The auditor will then return the realty bills to the treasurer, who will, on said day, offer for sale, as advertised, such bills as may remain in his hands unpaid. If no one will offer the face of said bills for them, he shall buy them in for the city. The owner or owners of any lot, the tax-bill on which has been sold, shall have the privilege of redeeming the same within one year of the day of sale by paying to the treasurer the said bill, with all penalties and interest as herein provided to the day of payment. Purchasers at said sale shall not receive the tax bills, but shall receive certificates of their purchase, on surrender of which certificate, at any time after the treasurer has been paid the bills named

in the certificate, he shall receive from the treasurer the amount paid, and on surrender at the end of the year, shall receive the bill with the year's interest at six per centum per annum, and ten per centum of the sum of the bill, penalty and interest all added by the treasurer; and he may at any time thereafter, in appropriate action, enforce the lien on the property for the full amount of the bill, with legal interest from date of delivery to him. The treasurer shall make a full and complete report of said sale to the auditor. The city shall in no manner be responsible to purchasers for money received by the treasurer on bills purchased by them, but the treasurer and his official bond shall be held for the same. Tax-bills for the succeeding year against property or persons delinquent for preceding years shall be stamped, "see delinquent bills," so that attention may be called thereto; and where the city owns the delinquent bill, the treasurer shall credit the money paid first to those bills, except he will not credit money offered on a realty bill to a personalty bill. When the city shall buy in the tax-bills the city solicitor shall, by proper proceedings in the name of the city in the Circuit Court, enforce the lien on the property for the city. Tax-bills shall be prima facie evidence of the regularity of the assessments and levy of the tax, and of the addition of penalties thereto. Any purchaser of tax-bills may, as soon as any tax, State, county, district or city, on the lot named in the bill becomes delinquent, pay the same, and he may in his original or in an amended petition, exhibit the same and have judgment including some. The Circuit Court shall have jurisdiction of proceedings to enforce lien for all taxes without regard to amount of same.

"All taxes which remain unpaid in whole or in part for thirty days after the same become due against any person owning property in his own right, shall be deemed a debt from such person to said city arising as by contract and may be enforced as such (except those against persons under disability or infancy, coveture, or unsound mind) by all remedies given for the recovery of debt in any court

of this Commonwealth otherwise competent for that purpose and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession of trust estates and may be in either case enforced accordingly.

Where any property, subject to taxation, has been omitted from assessment for any year or years, the city may, by direct action, brought in the name of the city by its city solicitor, city attorney or other duly authorized agent, in any court otherwise competent for the purpose, recover judgment against the person liable for the payment of taxes on such property (except persons under disability of infancy, coverture of unsound mind) for such amount as the taxes to the city on such property, with interest and penalty thereon, would be for such year or years, if the property had been assessed at its assessable value for such year or years, and the costs of the action. The judgment shall, from the time of its rendition, constitute a lien on the property and collection thereof may be enforced by sale of the property in the same manner as property is sold in satisfaction of liens created by contract. Such judgment may be collected by any means allowed by law for the collection of personal judgments.

In any such action, it shall be sufficient to allege and prove the description and value of the property; that it was subject to assessment and taxation in such city for the year or years in question, and was omitted from such assessment; that no taxes hereon had been paid to the city for such year or years, and that the person sued is the person liable for the payment of taxes on such property for such year or years. Defense may be made by showing (1) That the property is not subject to assessment and taxation for the year or years in question; (2) That the person sued is not the owner of the property or liable for the payment of taxes thereon for such years. (3) That the taxes on such property has been paid. In all cases, the court may hear evidence and determine the assessable value of the property as of the years in question.

In cases where the omitted property had changed ownership the action may be against the person who was the owner thereof at the time the assessment should have been made or the owner at the time of the action or both. Personal judgment may be given against the person who was the owner at the time the assessment should have been made, and a judgment in rem may be given against the property as above provided and may be enforced accordingly. When property of persons under disability is omitted from assessment, the collection of taxes thereon may be enforced by action as herein provided, except that no personal judgment shall be rendered. The proceedings against such person shall be as provided in the Civil Code of Practice.

(b) If the city treasurer, his deputy, or other officer, agent or collector of the city having in his hands for collection, city tax bills more than thirty days in arrears, believes another person to be indebted in money or property to the person owing such taxes, he shall deliver or cause to be delivered, to the person owing the taxes or public dues, if he can be found, and to the person so indebted to him, anywhere he may be found, written notice in substance as follows:

"Mr. A. B., the city taxes due by C. D., more than thirty days in arrears, with $_____, added for the costs of this action, amount to the sum of $———— To that extent you are notified not to pay or deliver to him any money or property which you now owe, or may hereafter be indebted to him, and to appear before the court of _____ (County judge or justice of the peace) of_____ county, on the_____day of ____'_____to show cause why you should not be adjudged to pay said taxes. This_____day of _____, nineteen_____

_____City Treasurer."

This notice shall be signed by the treasurer, his deputy or other officer, agent or collector of the city, and shall operate to enjoin the person named in it from paying the amount mentioned in the notice,

money, property, notes, accounts and other things of value, owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the court. On the hearing by the court, the debtor of the delinquent shall be compelled to disclose, in open court, all matters of account and indebtedness, whether of money, property or labor, owing at the date of the notice, or incurred thereafter. The court shall direct the said debtor to pay or deliver to the treasurer, his deputy or other officer, agent or collector of the city, having such tax bills for collection, any money, property or other thing then, or at the time notice was served, due said delinquent, or to the extent of such taxes and costs, or to the extent of his liability, including such as accrued after notice, though paid or discharged; and, if it be property, the treasurer, his deputy, or other officer, agent or collector of the city having such tax bills for collection, shall sell the same, after advertising by hand bill posted at the front door of the city building for ten days. If the person so indebted to the person owing taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes, and the court may compel the attendance of such person and such disclosure by him in the same manner as provided by law with reference to garnishees.

The person owing taxes shall not be discharged from liability for them until they are fully paid, or the amount realized under the proceedings aforesaid.

All persons indebted to the person owing the taxes may be included in the same notice.

The proceedings shall be docketed in the name of the city and, if necessary, to the interest of the city, the court may cause other parties to be brought in before it, and made party to the proceedings.

The court may hear evidence, and in its judgment, shall provide for the payment of all taxes due the city with penalty, interest and costs, provided that the delinquent shall have the right to defend

by showing first, that the property has never been assessed, but it shall not be sufficient to show a defective assessment merely; second, that the property is not subject to taxation; third, that the taxes have been paid.

(c) Each of the remedies given in this Section and Sub-sections A and B hereof are in addition to each of the other remedies given therein, and in addition to any other remedies now provided or that may be provided for the collection of taxes in cities of the second class.

Whereas, the cities of the Second Class in this State need the immediate benefits of this act in order that municipal government of such cities may be properly administered, an emergency is declared to exist for the immediate taking effect of this act, and it shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length dispensed with,

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,	Robt. C. Hill,	L. R. Ray,
J. O. Bogie,	John W. Holland,	Geo. W. Reid,
O. Houston Brooks,	Hite Huffaker,	J. F. Richardson,
S. M. Carson,	S. B. Johnson,	J. T. Riherd,
L. H. Carter,	W. T. Kenton,	Farris Roberts, Jr.,
W. G. Caudill,	Wm. F. Klair,	S. C. Roberts,
J. P. Chinn,	John M. Letterle,	Sam'l L. Robertson,
Henry Chunn,	J. H. McWaters,	S. M. Russell,
J. R. Claypool,	Don G. McVean,	S. A. Shanklin,
M. G. Colson,	Frank S. Moore,	W. H. Shanks,

Peter J. Cosgrove,	R. H. Moss,	W. Logan Shearer,
S. F. Crabtree,	H. J. Meyers,	W. H. Southall, Jr.,
C. F. Crecelius,	Ben E. Niles,	John S. Steers,
G. G. Frazier,	W. H. Newell,	E. E. Trivette,
H. T. Gartin,	L. C. Owings,	Geo. C. Waggoner,
T. D. Graham,	W. F. Pitman,	W. R. Whitlow,
Robt. L. Harris,	A. H. Points,	J. R. Zimmerman,
L. B. Herrington,	J. F. Porter,	—53

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 246. An act to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3101 and 3102 of the Kentucky Statutes relating to the control and improvement of Streets, Public Ways, Landings, Wharves, Grounds and Residences in cities of the Second Class.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3094 of the Kentucky Statutes be, and the same is hereby amended and re-enacted to read as follows:

§ 3094. The general council shall have and exercise exclusive control and power over the streets, roadways, sidewalks, alleys, landings, wharves, public grounds and highways of the city; to establish, open, altar, widen, extend, close, grade, pave, repave, clean and keep

in repair the same; to prevent and remove all encroachments thereon or obstruction thereof; to put drains and sewers in the same, and to regulate and prohibit the building of vaults and areas under sidewalks; to enforce and regulate connection with sewer, gas and water mains and conduits of all kinds laid in or under the streets and highways of the city for any purpose. The general council may, by ordinance, prescribe certain sprinkling districts and have the streets and avenues thereof sprinkled by the lowest and best bidder, assessing the cost thereof against the adjoining property per front foot.

Upon the adoption of an ordinance by the general council authorizing and directing the closing of the whole or any portion of a street or alley or other public highway within the limits or jurisdiction of the city, it shall be the duty of the city solicitor to institute an action in the Circuit Court for the purpose of having the same closed, and to such action all the owners of ground in the squares or lots divided by such street, alley or highway, or the portion thereof proposed to be closed, shall be made defendants; and if all such defendants are competent to act for themselves and fail to object to the closing prayed for, then the court shall render a decree accordingly; but if any of said defendants object, or are under disability other than coverture, the court shall empanel a jury, which shall hear evidence and determine the amount of compensation in the form of damages to be paid to each of such defendants. The Court shall thereupon direct that said street, alley or other highway be closed upon payment to each of such defendants of the amount of damages awarded to him, or, if any defendant refuses to accept such payment, or be for any reason unable to do so, upon payment into Court of the amount awarded such defendant or defendants.

It shall be the duty of the Court to give such proceedings the same precedence over other cases as is provided by law with regard to proceedings to test the validity of ordinances of cities of the Second Class.

When any parcel of grounds shall have heretofore been, or shall hereafter be, laid off as a street, avenue or alley, and opened to the unrestricted use of the general public for five consecutive years, it shall be conclusively presumed to have been dedicated to the city as a public street, avenue or alley of the city, subject, however to acceptance by the city, and the city may, at any time after the expiration of five years from the time such parcel of ground is laid off and opened to the public, pass an ordinance declaring such parcel of ground to have been so dedicated, and accepting the dedication thereof; whereupon it shall become and be a public street, avenue or alley of the city for all purposes, and the lack of an actual dedication thereof to the city, or of a record title thereto on the part of the city, shall be no defense against the collection of any tax which may be assessed and levied against property abutting thereon for the payment of the cost of any improvement constructed thereon by order of the city: Provided, that nothing herein shall be construed to require the expiration of five years to raise such presumption of dedication in any case where, under any rule of law now in force in this State, a dedication would be presumed in less than five years.

§ 2. That Section 3096 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 3096. The general council may, by ordinance, provide for the improvement of the streets, alleys and other public ways and sidewalks (including curbing and guttering) or parts thereof, in the manner herein set out. The improvement of any public way or sidewalk by original reconstruction or by resurfacing upon a foundation already in place, shall be deemed an improvement within the provision of this act, but no ordinance for the original improvement of any public street or sidewalk as contemplated in this section shall pass both boards of the general council at the same meeting, but at least two weeks shall elapse between the passage of any such ordinance from one board to the other. The improvement of public ways and sidewalks (including curbing and guttering) except as hereinafter provided, shall be made

at the exclusive cost of the owners of real estate abutting on such improvement, to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet, and a tax shall be levied upon such lots or parcels of real estate for the payment of the cost assessed thereon, which tax shall be due and payable at the city treasurer's office upon the completion of the work and acceptance thereof by the general council, unless otherwise provided in the ordinance ordering such improvement, and no property shall be exempt from such improvement tax. Any such tax which is not paid within thirty days after the same becomes due, shall have added thereto a penalty of ten per cent of the amount of the tax. There shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest at the rate of six per cent per annum from the time of the assessment until paid. Any assessment for any street improvement as provided in this section which exceeds one-half of the value of the lot or parcel of real estate upon which the assessment is made shall be void as to such excess, but the improvement shall be taken into consideration in fixing the value of such real estate, and the general council may provide for the payment of any such excess out of the general fund. When in any such city, having therein a street railway, the railway company is required by law or by its franchise, or by any contract with the city, to pave or improve any part of the streets or alleys of the city, proposed to be improved, the cost of paving such portion of such streets or alleys shall be assessed against such railway company and a tax shall be levied upon all property, assets and franchises of such company in the city for the payment thereof. Such tax shall constitute a first lien upon all the property, assets and franchises of all kinds whatsoever, of such company within the corporate limits of the city, and shall be due and payable at the same time and in the same manner, and shall bear like interest as the taxes assessed against the abutting property. Such railway company shall have the right to construct its own part of such proposed improvement, and, if it shall do so, no tax shall be assessed

against such company; provided, however, that such company shall, before the letting of the contract for such improvement, elect, by written request presented to the general council, to construct its part of such improvement, and shall execute a bond to the city with good and sufficient surety, to be approved by the mayor, conditioned that it will do the work of improving such part of the street with such material and according to such plans and specifications, and within such time and subject to such provisions as the ordinance therefor may prescribe. The city shall pay the cost of the improvement of intersections with other public ways including one-half of the width of the street or alley, being improved, opposite other streets or alleys which run into, but do not cross the street or alley so being improved, and of that proportion of any street abutting upon property belonging to the city. The city auditor shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes as provided in this section, showing the name and portion of the street on which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same, and shall be conclusive evidence of notice, to all persons, of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will report the same to the auditor, who will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. All local taxes paid into the city treasury shall, from time to time, be paid over to the contractor, or other person entitled thereto, upon order of the general council. The auditor shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and no proceeds ariring from assessment for one improvement shall be diverted to the payment for any other improvement whatever. The proceeds shall in each case constitute a separate special fund for the payment of the contractor for the particular work for which the assessment is made or for the security and payment of improvement bonds, if any are issued, as provided in Section 3102 for such improvement. The general council may provide,

by ordinance, that monthly estimates be made of the amount of work done on any such improvement, and may issue to the contractor improvement warrants therefor, to the extent of 65 per cent of the estimate, bearing not exceeding six per cent per annum interest from date of issue. Such warrants shall be issued by the city treasurer upon the order of the general council. They shall be negotiable, and shall constitute a lien on the local taxes levied for such improvement, and shall be payable at the office of the city treasurer, without notice to the holder thereof, upon completion and acceptance of the improvement, out of the first collection of such local taxes, or out of the proceeds of the sale of any improvement bonds issued in anticipation thereof. The interest on such improvement warrants shall be estimated and assessed as a part of the cost of the improvement for which the same are issued. The general council of any city of the Second Class may provide by general ordinance that such city shall pay part, and if so, what part of the cost of the improvement of the streets, alleys and other public ways (excluding sidewalks), of such city. When such provision is made it shall be uniform and shall thereafter apply to the improvement of all streets, alleys and public ways in the city (excluding sidewalks), and such general provision shall not thereafter be changed or repealed except at intervals of ten years or more.

That Section 3097 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 3097. Before the general council shall order the improvement of any street, alley, public way or sidewalk as provided in Section 3096 it shall adopt a resolution designating the street or other public way or sidewalk proposed to be improved, setting out in general terms the character and extent of the proposed improvement and declaring such improvement to be a necessity. Such resolution shall be published in one or more issues of the official newspaper of the city, at least five days before the ordinance ordering such improvement, shall pass either

board of the general council. At any time prior to the final passage of the ordinance ordering the improving, the owners of more than fifty per cent of the abutting property may file a written petition designating the material to be used in the construction of that part of the improvement for the cost of which the abutting property would be liable, or may file a written protest against the improvement. Such petition or protest shall be filed with the mayor and he shall transmit the same to the general council at its next meeting after he receives the same. Should such petition be filed as above provided the improvement of that part of the street for the cost of which the abutting property is liable shall not be made with any other material than that designated in the petition unless the ordinance therefor be passed by a two-thirds vote of the members elect of each board of the general council. Should a written protest be filed against said improvements as above provided, the improvement shall not be made unless the ordinance therefor be passed by a two-thirds vote of the members-elect of each board of the general council.

§ 4. That Section 3098 of the Kentucky Statutes be, and the same is, amended and re-enacted so as to read as follows:

3098. Subject to the provisions of the preceding section, the general council shall have full power to determine what streets, alleys, public ways and sidewalks (including curbing and guttering) or parts thereof shall be improved, the extent and character of the improvement, the kind of material or materials to be used and the necessity for the improvement, and its determination shall be final. It shall have power to let contracts for the work, provided that no such contract shall be let except upon competitive bidding to the lowest and best bidder after advertisement for at least five days in the official newspaper. It may require cash deposits or other guarantee from bidders to insure compliance with their bids and forfeiture of same to the city in the event the accepted bidder fails to comply with his bid. It may require bond of the contractor, with surety, for the performance of the work in accordance with his contract and a guarantee of the work

for such time as the general council may require, and it shall have power to do all things necessary to the proper execution and carrying out of any such improvement whether specifically enumerated herein or not. The general council may prescribe one kind of material to be used in the improvement of that part of any street for the cost of which any railway company may be liable and different material or materials for the improvement of the other portions of such street, and all courts will give a liberal construction to the rights and powers of the general council under this act.

The general council may, in its discretion, upon a petition of a majority of the property owners on the part of the public way proposed to be improved, grant them permission to improve said public way under the supervision of, and within such time as may be fixed by the Board of Public Works.

§ 5. That Section 3099 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 3099. When any such improvement shall have been made and the contract therefor completed, the city engineer shall make a full and correct estimate of the total cost thereof, showing the total number of fronting or abutting feet of property, the cost per abutting foot, the names of the abutting property owners, the number of abutting feet of property owned by each person and the proportionate part of the cost of the improvement to be assessed against the property of each abutting property owner, the part payable by the city and the part payable by any street railway company, if any. One copy of this estimate shall be delivered by the city engineer to the Board of Public Works and another copy to the mayor, to be, by him, transmitted to the general council. Upon receipt of such copy from the city engineer, the Board of Public Works shall, by one insertion in the official newspaper, give at least three days' notice of the time and place fixed by it for the inspection and reception of the work, which notice shall state the cost per abutting foot of property as shown by the

engineer's estimate and the amount apportioned to any railway company. At the time and place fixed in said notice the owners of property liable for the cost of the improvement, the contractor therefor, their agents and representatives, may appear and be heard before said board as to whether the work had been done and the cost thereof estimated in accordance with the ordinance and contract therefor. The board may adjourn such hearing and inspection from time to time, and, of such adjournment all interested parties shall take notice without further publication of notice. Any protest against the acceptance of the improvement or the estimated cost thereof shall be made in writing to the board and be transmitted by said board to the general council, together with a written report of the board accepting or rejecting the work accordingly as it may be of opinion that the work had or had not been done and the cost thereof estimated in accordance with the ordinances and contract therefor.

§ 6. That Section 3100 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 3100. Upon receipt of the engineer's estimate and the report of the Board of Public Works, as provided in the preceding section, the general council shall carefully consider and investigate, by its committees, or otherwise, any protests which may have been filed against the acceptance of the work or the confirmation of the engineer's estimate of the cost thereof, and shall hear, or cause to be heard by its appropriate committee and reported to it in substance, any competent and proper evidence which may be offered thereon prior to the acceptance of the work and confirmation of the estimate, and the general council may then accept the work and confirm the engineer's estimate of the cost thereof, or, if it be of opinion that the work had not been done in accordance with the contract, or that the engineer's estimate of the cost is incorrect, it may require the contractor to perfect or complete the work in accordance with the contract, or it may modify the estimate of the cost of the work to conform to the facts, or both. The determination of the general council shall be

conclusive and binding on all parties, and shall not be questioned or contested in any court, except on the ground of fraud or collusion on the part of the general council. Upon acceptance of the work and confirmation of the engineer's estimate of the cost thereof by the general council, it shall, by ordinance, apportion the cost of the work, less any part to be paid by the city or any railway company, equally among the owners of the abutting property on both sides of the street improved according to the number of abutting feet owned by them, respectively, provided that the entire cost of sidewalks (including curbing and guttering), shall be apportioned among the owners of the property abutting on the side of the street on which the improvement is made, each corner lot having its sidewalk intersection included in its frontage; and shall assess and levy a local tax on the several lots or parcels of abutting property at a rate per abutting foot sufficient to produce the part of the cost of the improvement apportioned to such abutting lots or parcels of property. The general council shall apportion to the city such part of the cost of the improvement as it may be liable for, and shall likewise apportion to any railway company the part of the cost for which it may be liable as provided in Section 3096, and shall assess and levy a tax upon all the property, assets and franchises of such company in the city for its part of such cost.

The lien provided for in Section 3096 shall take effect upon the publication of the ordinance making the assessment and levying the tax, and shall take precedence over all other liens, whether created prior or subsequent to the publication of such ordinances except State and county taxes, gneral municipal taxes and prior improvement taxes, and shall not be defeated or postponed by any private or judicial sale or by any mortgage or by any error or mistake in the description of the property or in the names of the owners thereof. Nor shall any error in the proceedings of the general council exempt any property from the lien for, or payment of, such taxes after the work has been done and accepted as provided in this section; but the general council or the courts in which suits are pending, shall make all corrections,

rules and orders to do justice to all parties concerned; and in no event shall the city be liable for any part of the cost of such improvement except as provided in Section 3096. Such liens may be enforced, as other liens on real estate, by action brought in the name of the city or the contractor entitled thereof, and, in any such action, an allegation in substance that the improvement had been made and the work accepted pursuant to and by ordinances of the city duly passed in accordance with law, shall be a sufficient pleading of the ordinances and proceedings under which the work was done and accepted without setting out the same in full. Any number of lots or parcels of land on which any local tax or installment thereof is in default and the owners thereof may be joined in one proceeding, and the court shall make all proper and necessary orders for the enforcement and collection of the tax as to the several lots or parcels of land. Where a person is the owner of two or more lots subject to such tax the court may direct that one or more of such lots be sold for the whole tax of such person, allowing such person to designate the lots to be sold first if he so desires and indicates.

§ 7. That Section 3101 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 3101. The general council may provide that any such improvement of the streets, alleys, public ways and sidewalks (including curbing and guttering) shall be made on the ten year payment plan; and, thereupon, when any such improvement shall have been completed and accepted and the cost thereof apportioned to, and a tax therefor levied on, the property liable for the payment thereof as provided in the preceding sections, the city treasurer shall give notice by one publication in the official newspaper requiring all persons to pay the local taxes levied upon their property within thirty days from the publication of the ordinance accepting this work and assessing the cost thereof. Such local taxes may at the option of the property owners be payable in cash, without interest, within the thirty days, or in ten annual installments as herein provided. Any person who de-

sires to exercise such privilege of payment by installment shall, before the expiration of said thirty days, enter into an agreement in writing with the city that in consideration of such privilege, he will make no objection to any illegality or irregularity with regard to the taxes against his property, and that he will pay the same in the manner herein provided with specified interest. Any property owner entering into such an agreement, or who exercises the option to pay installments, shall be concluded thereby, and shall not be permitted to set up any defense whatever against the payment of such taxes. Such agreement shall be filed in the office of the city auditor, who shall file and retain the same as a record of his office. In all cases where such agreements have not been filed within the time limited, the entire tax shall be payable in cash without interest before the expiration of said thirty days. Any such tax not paid within said thirty days shall bear interest at the rate of six per cent per annum from the date of the publication of the ordinance assessing and levying the same. If any property, subject to such local tax be owned by an infant or person of unsound mind, the agreement herein provided for may be executed by the statutory guardian of such infant or committee or curator of such insane person with the same effect as if executed by a person free from disability.

In cases where the option to pay in installments is exercised, the local tax, with interest at the rate of six per cent per annum, shall be payable as follows: "One-tenth of the tax, with interest on the entire tax, at the time fixed by law for the payment of general city taxes allowed for payment in cash, and annually thereafter one-tenth of the entire tax, until the whole is paid. At the end of each six months from the time the first installment becomes due, interest shall be due and payable for such six months on all unpaid installments of the tax. Provided, That any person may, at any interesting paying period after the fifth annual installment of his tax becomes due, pay the entire interest. All installments of such special assessments and interest shall be placed upon the tax duplicate with other taxes of persons

liable for such special assessments, and the tax bills for such special assessments may, in addition to the other remedies given in this act, be sold and collection thereof enforced in the manner provided by law for collection of municipal taxes. In default of payment of any installment of tax or interest for one month after the same becomes due, a penalty of ten per cent of the installment in arrears shall be added thereto, which shall constitute a like lien as the tax, and all unpaid installments of the tax shall, at the option of the city or any bondholder whose bonds or interest thereon are in default of payment, forthwith become due and payable.

It shall be the duty of the treasurer, upon order of the general council, to promptly apply all money paid in on such installments to the payment of bonds and coupons which may be issued as provided in the next section in anticipation of the collection of such local taxes. If the fund accumulated from the collection of assessments, interest and penalties for any particular improvement be more than sufficient to pay the principal and interest of the bonds issued in anticipation of such collections, the general council shall make a rateable reduction from the last installment of each person's assessment. Should there be any deficit, the general council may provide for payment of same out of the general fund. Failure on the part of the city to collect any such local tax or installment thereof, when due, shall create no liability against such city, but the person entitled to such tax, or the owner of any such bonds shall have the right to proceed in any court of competent jurisdiction to foreclose the lien for such unpaid assessments, recovering interest and costs, and may have the proceeds of the property applied in settlement thereof.

Any railway company, liable for any improvement tax, shall be entitled to the privilege of paying such tax on the installment plan, subject to all the provisions herein provided with reference to the exercise of such privilege by other property owners. The general council may provide that any improvement contemplated in this act may be paid for in annual installments in any number of years, not ex-

ceeding ten, in which event the ordinance ordering the improvement shall specify the number of years in which the improvement shall be paid for and all proceedings with reference thereto shall be the same as herein provided for payment on the ten-year installment plan, except that the necessary changes shall be made to conform the payments to the number of years specified by the ordinance, and corresponding changes shall be made in any bonds that may be issued with reference to such improvements as provided in the next section.

§ 8. That Section 3102 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 3102. In order to provide a fund for the immediate payment of the cost of any improvement made on the installment payment plan as provided in Section 3101, the general council may issue and sell improvement bonds in anticipation of the collection of such part of the local taxes assessed and levied therefor as may not be paid within thirty days from the time of the assessment, pledging such taxes and the liens on the property for the payment of the principal and interest of such bonds, and apply the proceeds thereof, exclusively, to the payment for the particular improvement in anticipation of the assessment for which the bonds are issued. Such bonds shall bear the date of the publication of the assessing ordinance, and shall be made payable to bearer or to the purchaser thereof, as the general council may direct. The bonds for each separate improvement shall be numbered consecutively throughout and shall be divided into ten series as nearly equal as possible, the first series including the lowest numbers and so on. The bonds with interest shall be payable at the City Treasurer's office as follows: The first series, with accrued interest on all series shall be due and payable one month after the date on which the first installment of the tax becomes due as provided in the preceding section, and the remaining series shall be due and payable once each year annually thereafter for nine years. Interest on all unpaid bonds shall be due and payable semi-annually at the end of each six months, from the time the first interest becomes due. The bonds

shall be of the denomination of one hundred dollars or its multiple, provided that any odd amount over one hundred dollars or its multiple, may be in the last bond to mature. No bond shall be issued for less than one hundred dollars unless the total amount for which bonds are issued for any particular improvement is less than one thousand dollars. All improvement bonds shall have the name of the street, alley or other public way, or part thereof, for the improvement of which they are issued, printed, engraved or written thereon, and shall state the character of the improvement. They shall bear interest at a rate not exceeding six per centum per annum from the date of the assessment of the tax, and shall have suitable coupons attached thereto evidencing the semi-annual interest. The bonds and coupons shall be signed by the mayor and countersigned by the treasurer, but the coupons may be signed by lithograph. The clerk shall attest the signatures to the bonds under seal of the city. It shall not be necessary, in such bonds, to recite the steps taken in ordering the improvement or in making the assessments, but it shall be sufficient to make a general reference to such proceedings and to this statute. Such bonds shall be negotiable as inland bills of exchange, and shall be free from all defenses by any property owner. Such bonds shall be exempt from all taxation, and shall not be sold for less than par and accrued interest: Provided, if no offer is made for said bonds equal to par and accrued interest, after reasonable advertisement, the city shall have the right to turn them over to the contractor in full payment of the contract price of the improvement for which they are issued. Any premium realized from the sale of such bonds and any penalties collected on delinquent installments of taxes, as in the preceding Section, provided, shall go into the fund for the payment of such bonds an interest thereon. Said bonds and interest thereon shall be payable exclusively out of funds actually paid to and collected by the city on account of the improvement taxes in anticipation of which the bonds are issued and except as provided in this section the city shall, in no event, be liable on any such bond except to the extent of funds actually paid to it as above set out. Any and all such bonds shall be subject to payment and redemption at any interest period thereon that does not

occur within five years from the date thereof. Provided that the city treasurer shall give the owner of the bond proposed to be redeemed at least twenty days notice by registered letter. It shall be the duty of the owner of any bond, subject to redemption as herein provided to notify the city auditor of his post office address and any changes therein, and the auditor will keep a record of the address opposite the number of the bond on his records. The notice herein provided for shall be directed to such address and if no address be given, the notice shall be directed to such owner at his last known address, and the bond specified therein shall bear no interest after the date fixed for its redemption, and this provision shall be shown in substance on the bonds. Mailing such registered letter twenty days before the time fixed for such redemption shall be deemed a compliance herewith," After the issue of such bonds no suit shall lie to enjoin or resist the collection of any assessment or tax in anticipation of which the bonds are issued, and the validity of the same shall not be questioned, but all property owners shall be conclusively stopped and precluded from in any manner assailing the effectiveness or validity thereof. Such bonds shall convey and transfer to the owners thereof all lien, right, title and interest in and to the assessments, taxes, and liens upon the respective lots and parcels of ground, including any railway property liable for said taxes as hereinbefore provided for, which liens shall stand as security for such bonds and coupons until they are paid, with full power to enforce the collection thereof, if such bonds or coupons be not paid on presentation to the treasurer, by foreclosure in any court of competent jurisdiction as provided in Section 3100. If any lots or land be sold for the payment of any special tax or assessment thereon, or any installment thereof, or for any general municipal tax, such lots and lands shall not thereby be released from any other special tax or assessment, or installment thereof, existing thereon unless the same be asserted in the action in which such lots or lands are sold. In any foreclosure suit brought by the city or any bondholder as provided herein, it shall not be necessary to make the other bondholders parties, but the proceeds of the suit shall be paid into the city treasury to be applied to the redemption of matured bonds in the same manner as if

the same had been paid without suit. When any such city has been authorized to incur an indebtedness for such purpose at an election by the voters thereof, held pursuant to law, either before or after the improvement in question is made, the general council may, to the extent of such authorization, issue and sell bonds of the city in anticipation of the collection of the local taxes levied and assessed for any such improvement as provided in this act, pledging the faith and credit of the city, in addition to the assessments, taxes and liens herein provided for, for the payment of the principal and interest on such bonds. Such bonds shall constitute an indebtedness of the city, for the payment of which with interest, the city shall be liable in its corporate capacity. Such bonds shall be issued and sold in all respects as provided by law with reference to the issue and sale of bonds by the city, and the general council shall provide for the collection of an annual tax sufficient to pay the interest on such bonds and to create a sinking fund for the payment of the principal thereof within the period of time, not exceeding ten years, provided by the ordinance for the payment of the local taxes, in anticipation of which such bonds are issued. Provided that, in any year in which the collections from such local taxes are sufficient to pay the interest on such bonds and to provide the necessary sinking fund, it shall not be necessary for the city, in such year, to collect any tax for that purpose; and in any year, it shall be necessary for the city to collect only such an amount of general taxes as will be sufficient, when added to the local taxes collected for such improvement, to meet the requirements of this act. Upon payment by the city of any such bond, the city shall become the owner thereof, and be subrogated to all the rights of the bondholder with reference thereto. Thereafter, all collections of the local taxes, in anticipation of which such bond was issued, shall belong to the city.

In any city having no board of public works, the duties of such board prescribed by this act shall be performed by the superintendent of public works, and if there be no superintendent of public works, then by any other officer, board or committee of the general council as may be prescribed by ordinance.

§ 9. Whereas, cities of the Second Class in this Commonwealth are in need of the immediate benefit of this act in order that they may make needed street and other improvements, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	W. F. Pitman,
J. W. Berkshire,	Robt. L. Harris,	Marion F. Pogue,
T. M. Bertram,	L. B. Herrington,	J. F. Porter,
J. O. Bogie,	Robt. C. Hill,	L. R. Ray,
O. Houston Brooks,	Hite Huffaker,	Geo. W. Reid,
J. T. Buford,	S. B. Johnson,	J. T. Riherd,
S. M. Carson,	W. G. Keen,	Farris Roberts, Jr.,
W. G. Caudill,	W. T. Kenton,	S. C. Roberts,
J. P. Chinn,	Wm. F. Klair,	S. A. Shanklin,
J. R. Claypool,	John M. Letterle,	W. H. Shanks,
M. G. Colson,	Hugh Mahin,	W. Logan Shearer,
Albert J. Counts,	J. H. McWaters,	W. H. Southall, Jr.,
Peter J. Cosgrove,	Don G. McVean,	John S. Steers,
S. F. Crabtree,	Frank S. Moore,	J. J. Taylor,
C. F. Crecelius,	R. H. Moss,	E. E. Trivette,
W. B. Creekmore,	H. J. Meyers,	J. W. Turner,
Wm. S. Dean,	Ben E. Niles,	W. R. Whitlow,
G. G. Frazier,	W. H. Newell,	J. H. Williams,
H. T. Gartin,	L. C. Owings,	—56

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 309. An act to define the limit of what is commonly known as "sweating" and punishing the same and prohibiting the introduction as evidence of any confession obtained by means thereof.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That is what is commonly known as "sweating" is hereby defined to be the questioning of a person in custody charged with crime or attempting to obtain information from him concerning his connection with crime or knowledge of the commission of crime, by plying him with questions, and by threats, or other wrongful means, extorting from him information to be used against him as testimony upon his trial for such alleged crime.

§ 2. It shall be unlawful for any jailer, or sheriff, or marshal, or their deputies, or policeman, or other peace officer, or other person having in his custody any person charged with crime, to be guilty of sweating any prisoner or to knowingly permit any other person so to do, which such prisoner is in charge of such officer or in custody of the law.

§ 3. That no confessions obtained by means of "sweating" as defined herein shall be permitted as testimony in any court of law in this State, but shall be deemed to have been obtained by duress if such confession be made after the arrest of the party charged with the crime, and while he is in custody.

§ 4. Any person violating the provisions of this act shall upon conviction be fined in any amount not less than one hundred dollars nor more than five hundred dollars, or confined in the county jail not less than ten nor more than sixty days or both so fined and imprisoned in the discretion of the jury or court trying the case.

§ 5. All laws or parts of laws in conflict with this act are hereby repealed.

§ 6. This act shall take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	Marion F. Pogue,
W. D. Allbright,	Chas. W. Fulton,	J. F. Porter,
J. W. Berkshire,	H. T. Gartin,	R. A. Read,
J. O. Bogie,	T. D. Graham,	Geo. W. Reid,
O. Houston Brooks,	Robt. C. Hill,	J. F. Richardson,
J. T. Buford,	John W. Holland,	J. T. Riherd,
S. M. Carson,	R. Dillard Hunter,	Farris Roberts, Jr.,
L. H. Carter,	W. T. Kenton,	S. C. Roberts,
W. G. Caudill,	O. M. Kelsey,	Sam'l L. Robertson,
J. P. Chinn,	Wm. F. Klair,	S. A. Shanklin,
J. R. Claypool,	John M. Letterle,	W. Logan Shearer,
Z. T. Coleman,	H. L. Lewis,	W. H. Southall, Jr.,
M. G. Colson,	J. H. McWaters,	John S. Steers,
Peter J. Cosgrove,	R. F. Moss,	E. E. Trivette,
S. F. Crabtree,	Ben E. Niles,	J. W. Turner,
W. L. Craig,	W. H. Newell,	Geo. C. Waggoner,
W. B. Creekmore,	L. C. Owings,	W. F. Welch,

Wm. S. Dean,	John C. Pirtle,	W. R. Whitlow,
H. C. Duffy,	W. F. Pitman,	J. H. Williams,
L. H. Francis,	G. H. Plitt,	—59

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 248. An act authorizing the formation of corporations authorized to do a trust, banking and title insurance business.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any number of persons, not less than thirteen, may associate to establish a corporation for the purpose of conducting, and it may conduct, both a general banking business, a trust company business and a real estate title insurance business. The capital stock of such corporation shall not be less than one hundred and fifty thousand dollars ($150,000), of which at least two-thirds (2-3) shall be subscribed and paid in money before said corporation shall commence business, and the remainder shall be subscribed and paid in within eighteen months thereafter. Not less than fifty thousand dollars ($50,000), and never more than one-third (1-3) or less than one-tenth (1-10) of the total capital stock of any company, organized pursuant to this act, shall be used in its business of real estate title insurance; and one-half (1-2) of such authorized capital stock, remaining after deducting so much thereof as may be set apart to the department of real estate title insurance, shall be securely invested for the trust business of the corporation, and shall, at all times, be kept separate and distinct from its other assets, and shall be primarily liable for its fiduciary obligations; and the other half of such remainder of the capital stock of the corporation may be used in its business of banking; and its books shall be so kept as to show separately at all times the condition of its trust business, and the condition of its banking business and the condition of its real estate title insurance business.

§ 2. Any corporation now doing either a banking or trust business or a banking and trust business combined, or a real estate title insurance business may, with the consent of a majority in number and interest of its stockholders, organize under this act, and its stock, if unimpaired, may be converted into stock in the new corporation, or any one of such corporations may so amend its charter or articles of incorporation conformably to this act and the general law, as to permit it to engage in any one or more kinds of business herein mentioned not already authorized or provided for in charter or articles of incorporation; or any two or more of such corporations now in existence may consolidate under this act into one corporation, stock in which shall be issued for an equivalent amount in value of the stock of the constituent corporations.

§ 3. The provisions of the act entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, and known as Chapter 32 of the Kentucky Statutes, and the several amendments thereof, and the provisions of the act entitled "An act to provide for the creation and regulation of real estate title insurance companies," which became a law March 19, 1894, and now known as Subdivision 7, of Article 4, of Chapter 32, of the Kentucky Statutes, and the several amendments thereto, shall, together with this act, govern the formation of, and business conducted by, the corporations provided for by this act: That is, those portion of said acts, and their amendments relating to banks and banking, shall apply to and govern the banking business, and those portions of said acts and amendments relating to trusts and trust companies shall apply to and govern the trust business, and those portions of such acts and amendments as relate to real estate title insurance shall apply to and govern the real estate title insurance business of the corporation organized under and pursuant to this act.

§ 4. This act shall take effect and be in force, after the expiration of ninety days from and after the final adjournment of the present session of the General Assembly.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	John W. Holland,	W. A. Price,
J. W. Berkshire,	Hite Huffaker,	Geo. W. Reid,
Frank J. Brown,	R. Dillard Hunter,	J. F. Richardson,
J. T. Buford,	W. G. Keen,	J. T. Riherd,
L. H. Carter,	W. T. Kenton,	S. C. Roberts,
Henry Chunn,	O. M. Kelsey,	Sam'l L. Robertson,
J. R. Claypool,	Wm. F. Klair,	S. M. Russell,
Z. T. Coleman,	John M. Letterle,	W. H. Shanks,
M. G. Colson,	Don G. McVean,	W. H. Southall, Jr.,
Peter J. Cosgrove,	R. H. Moss,	John S. Steers,
S. F. Crabtree,	W. H. Newell,	E. E. Trivette,
W. L. Craig,	L. C. Owings,	J. W. Turner,
L. H. Francis,	J. W. Perry,	Geo. C. Waggoner,
H. T. Gartin,	W. F. Pitman,	W. F. Welch,
T. D. Graham,	Marion F. Pogue,	W. R. Whitlow,
L. B. Herrington,	A. H. Points,	J. H. Williams,
Robt. C. Hill,	J. F. Porter,	L. F. Withers,

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Those who voted in the negative were—

H. C. Duffy,	J. H. Lackey,	J. R. Zimmerman,
G. G. Frazier,	C. C. Patrick,	—5

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 190. An act to limit the liability of members of Mutual or Assessment Fire Insurance Companies.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If the whole amount of the deposit notes and cash belonging to a corporation, organized pursuant to, and for the purposes set forth in Subdivision 5 of Chapter 32 of Kentucky Statutes, shall not be sufficient to pay the amount due at any one time to the members of a corporation on account of losses occasioned by fire, lightning or wind, the limit of liability of each member of said corporation, on account of any assessment that may be required to meet the deficit shall not exceed the following rates and amounts, to-wit: Upon each member of a corporation having less than Five Hundred Thousand Dollars of insurance in force, Ten Dollars for each One Hundred Dollars of insurance he has in said corporation; upon each member of a corporation having over Five Hundred Thousand Dollars and less than One Million Dollars of insurance in force, Five Dollars on each One Hundred Dollars of insurance he has in said corporation; upon each member of a corporation having over One Million Dollars and less than Two Million Dollars of insurance in force, Three Dollars for each One Hundred Dollars for insurance he has in said corporation; and upon each member of a corporation having over Two Million Dollars of insurance in force, Two Dollars for each One Hundred Dollars of insurance he has in said corporation.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Chas. W. Fulton,	G. H. Plitt,
J. W. Berkshire,	Robt. C. Hill,	Marion F. Pogue,
P. W. Berkshire,	John W. Holland,	J. F. Porter,
Eli Berry,	R. Dillard Hunter,	W. A. Price,
T. M. Bertram,	W. G. Keen,	Geo. W. Reid,
J. M. Blair,	W. T. Kenton,	G. T. Reynolds,
Frank J. Brown,	Wm. F. Klair,	J. F. Richardson,
J. T. Buford,	H. L. Lewis,	Farris Roberts, Jr.,
L. H. Carter,	L. C. Littrell,	S. C. Roberts,
J. P. Chinn,	Hugh Mahin,	Sam'l L. Robertson,
Henry Chunn,	J. H. McWaters,	S. M. Russell,
J. R. Claypool,	Don G. McVean,	H. A. Schoberth,
Peter J. Cosgrove,	Frank S. Moore,	S. A. Shanklin,
S. F. Crabtree,	R. H. Moss,	W. H. Shanks,
W. L. Craig,	Ben E. Niles,	W. H. Southall, Jr.,
C. F. Crecelius,	L. C. Owings,	John S. Steers,
H. C. Duffy,	S. P. Parks,	Geo. C. Waggoner,
L. H. Francis,	C. C. Patrick,	L. F. Withers,
G. G. Frazier,	John C. Pirtle,	J. R. Zimmerman,

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Those who voted in the negative were—

J. O. Bogie,	L. B. Herrington,	L. R. Ray,
Z. T. Coleman,	Hite Huffaker,	R. A. Read,
T. D. Graham,	John M. Letterle,	J. T. Riherd,
Robt. L. Harris,	W. F. Pitman,	W. Logan Shearer,

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Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 59. An act to amend Section 4949, Chapter 122 of the Kentucky Statutes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4949, Subdivision 4, Chapter 122, be amended by striking therefrom the following "For or against the running at large of cattle (or the species thereof designated in the petition) in ---------- county (naming it), or in district or districts (naming it or them)" and substituting therefor the following:

"Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highways and uninclosed lands of ---------- County (naming it) if the election be called for the entire county, but if the election be called for less than a county the clerk shall instead of giving the name of the county in the question submitted to the voters give the name of the district or districts for which the election is called," so that the said Section 4609 when amended shall read as follows:

When an election is ordered as herein provided, the county clerk shall have printed on the ballots for each precinct in which a vote is to be taken on the question. Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highway and uninclosed lands of ---------- County (naming it) if the election be called for the entire county, but if the election be called for less than a county the clerk shall, instead of giving the name of the county in the question submitted to the voters, give the name of the district or districts for which the election is called, and if a majority of those voting upon this question shall vote in favor

of permitting cattle (or the species thereof named in the petition), to run at large, then this law shall not be in effect in the district, districts, or county, as the case may be, where the vote is taken; but if a majority of those voting upon this question shall vote against the running at large of cattle, or the species thereof named in the petition, then it shall be unlawful after thirty days of said election, for any person to permit any cattle, or the species thereof named in the petition, owned by or under his control or custody, to run at large in said district, districts, or county, as the case may be; and any person so offending shall be fined not less than five nor more than twenty-five dollars for each offense; and if any damages shall be committed by cattle in any such district, districts, or county, the owner of such cattle shall be liable for all such damages, whether the place where the damages occurred be inclosed by a lawful fence or not, and the person damaged shall have a lien on the cattle committing the damage for the amount thereof and cost of suit; and it shall furthermore be the duty of any constable, sheriff or town marshal to impound any cattle found running at large in such district, districts, or county, and the owner or bailee thereof shall pay to the officer impounding, for each head so impounded, one dollar and the cost of feeding and taking care of such cattle: Provided, the cost of impounding any number of cattle, at any one time shall not exceed three dollars and the cost of feeding; and such officer shall have a lien on the cattle so impounded for his fees and expenses, which he may enforce in the manner mortgage liens are enforced.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H Akin,	Chas. W. Fulton,	A. H. Points,
J. W. Berkshire,	H. T. Gartin,	J. F. Porter,
P. W. Berkshire,	L. B. Herrington,	W. A. Price,
Eli Berry,	John W. Holland,	L. R. Ray,
T. M. Bertram,	Hite Huffaker,	R. A. Read,
J. O. Bogie,	W. T. Kenton,	Geo. W. Reid,
O. Houston Brooks,	O. M. Kelsey,	G. T. Reynolds,
Frank J. Brown,	Wm. F. Klair,	J. F. Richardson,
J. T. Buford,	J. H. Lackey,	J. T. Riherd,
L. H. Carter,	John M. Letterle,	S. C. Roberts,
W. G. Caudill,	L. C. Littrell,	S. M. Russell,
Henry Chunn,	Hugh Mahin,	H. A. Schoberth,
J. R. Claypool,	J. H. McWaters,	S. A. Shanklin,
Z. T. Coleman,	Frank S. Moore,	W. H. Shanks,
S. F. Crabtree,	L. C. Owings,	W. Logan Shearer,
C. F. Crecelius,	S. P. Parks,	John S. Steers,
H. C. Duffy,	John C. Pirtle,	W. R. Whitlow,
L. H. Francis,	W. F. Pitman,	L. F. Withers,
G. G. Frazier,	Marion F. Pogue,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 144. An act to amend Section 1896 of the Kentucky Statutes relating to the destruction of fish by guns loaded with steel balls and copper jackets.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1896 of the Kentucky Statutes, relating to dynamiting fish, be and is hereby amended so as to read as follows, to-wit:

"§ 1896. Dynamite or Explosive Agent—Penalty for Using.—That any person or persons who shall place or cause to be placed in any of the waters of this State or shall aid or assist in so doing, any dynamite or explosive agent, or who shall shoot into any of the waters of this State with a gun or pistol loaded with steel balls, copper jacket, or other hard substance other than an ordinary leaden ball, with intent thereby to kill, injure or catch fish, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense; and, on failure to pay a fine as fixed by either Section 1894, 1895 or 1896, shall be confined in the county jail, work house or placed at labor upon any of the public works of said county for a length of time not exceeding one day of every two dollars of said fine."

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	A. H. Points,
T. M. Bertram,	L. B. Herrington,	J. F. Porter,
J. M. Blair,	Robt. C. Hill,	W. A. Price,

J. O. Bogie,	John W. Holland,	L. R. Ray,
O. Houston Brooks,	R. Dillard Hunter,	R. A. Read,
Frank J. Brown,	W. T. Kenton,	Geo. W. Reid,
J. T. Buford,	O. M. Kelsey,	J. T. Riherd,
S. M. Carson,	Wm. F. Klair,	S. C. Roberts,
W. G. Caudill,	John M. Letterle,	Sam'l L. Robertson,
Henry Chunn,	H. L. Lewis,	S. M. Russell,
J. R. Claypool,	J. H. McWaters,	S. A. Shanklin,
Z. T. Coleman,	Frank S. Moore,	W. H. Shanks,
Peter J. Cosgrove,	R. H. Moss,	W. Logan Shearer,
S. F. Crabtree,	L. C. Owings,	W. H. Southall, Jr.,
W. L. Craig,	S. P. Parks,	John S. Steers,
C. F. Crecelius,	C. C. Patrick,	E. E. Trivette,
Wm. S. Dean,	J. W. Perry,	Geo. C. Waggoner,
L. H. Francies,	John C. Pirtle,	J. H. Williams,
G. G. Frazier,	W. F. Pitman,	L. F. Withers,
Chas. W. Fulton,	G. H. Plitt,	J. R. Zimmerman,
H. T. Gartin,	Marion F. Pogue,	—62

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 102. An act to repeal and amend Sections 2016, 2020, 2021 and 2023 of Chapter 61 of the Kentucky Statutes, Carroll's Edition of 1909.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 2016 and 2033 of Chapter 61 of the Kentucky Statutes, Carroll's Edition, 1909, Guardian and Ward, be and the same are hereby repealed and in lieu of said sections it is hereby enacted that

the father and mother shall have the joint custody, nurture and education of their infant child, or children, and in the event of the death of either one of the parents, father or mother, the survivor, if suited to the trust, shall have the custody, nurture and education of such infant child or children and may, by will, appoint guardian to his or her infant child, or children, during its minority, or for any less period, and may appoint the guardianship of the infant's estate to one and the custody, nurture and education of the infant to another, but the father shall be primarily liable for the nurture and education of his infant child or children.

§ 2. That Section 2020, of the Kentucky Statutes, be amended by inserting immediately after the word "father" the words "or mother," so that said section as amended shall read as follows: "If the will of the father or mother so direct, the other parent being dead, no security shall be required from the guardian, unless from change of circumstances in the guardian since making the will, or other cause, the court deems it prudent to dispense therewith."

Section 2021 of Chapter 61 on order of precedent in appointing a guardian, to be amended as follows:

By repealing Subsections 1, 2 and 3 of Section 2021 and in lieu thereof enacting the following:

Subsection 1. First: The father or mother if deemed suitable for the trust.

Second: If either the father or mother be dead, then the surviving parent if deemed suitable for the trust.

Third: If both the father and mother be dead, then the testamentary guardian named by the last surviving parent.

Fourth: Striking out of Subsection 3 the words giving preference to males, so that said section as amended shall read as follows:

In appointing a guardian the court shall pay proper attention to the following order of precedent in writing, and not depart therefrom unless it deems that prudence and the interest of the infant so require;

First, The father or mother or one most suitable for the trust.

Second, If either the father or mother be dead then the surviving parent, if deemed suitable for the trust.

Third, If both father and mother be dead then the testamentary guardian named by the last surviving parent.

Fourth, The next of kin.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	Marion F. Pogue,
W. D. Allbright,	Robt. C. Hill,	A. H. Points,
T. M. Bertram,	John W. Holland,	J. F. Porter,
J. M. Blair,	Hite Huffaker,	W. A. Price,
Frank J. Brown,	R. Dillard Hunter,	L. R. Ray,
J. T. Buford,	W. T. Kenton,	R. A. Read,
L. H. Carter,	O. M. Kelsey,	G. T. Reynolds,
W. G. Caudill,	Wm. F. Klair,	S. C. Roberts,
Sidney G. Clay,	J. H. Lackey,	Sam'l L. Robertson,

J. R. Claypool,	John M. Letterle,	S. M. Russell,
Z. T. Coleman,	H. L. Lewis,	S. A. Shanklin,
Peter J. Cosgrove,	J. H. McWaters,	W. H. Shanks,
S. F. Crabtree,	R. H. Moss,	W. Logan Shearer,
C. F. Crecelius,	L. C. Owings,	W. H. Southall, Jr.,
Wm. S. Dean,	S. P. Parks,	Geo. C. Waggoner,
H. C. Duffy,	C. C. Patrick,	W. R. Whitlow,
L. H. Francies,	J. W. Perry,	J. H. Williams,
G. G. Frazier,	John C. Pirtle,	L. F. Withers,
Chas. W. Fulton,	W. F. Pitman,	J. R. Zimmerman,
Robt. L. Harris,		

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Those who voted in the negative were—

J. T. Riherd,

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 224. An act for the benefit of turnpike roads of this Commonwealth.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to obstruct the water tables of a turnpike or any public road by putting a crossing either private or public over the water table of a public road without providing a culvert or drain pipe of sufficient dimension to carry the full vol-

ume of water that may drain in this water table or to curb it so as not to impede the full flow of water. It shall also be unlawful to plant trees, telephone poles or fence in or closer than two and one-half feet of the outer edge of the ditch, so that a plow or machinery may be used in making, widening or deepening them. Any fencing, tree or stone falling into a water table or rolling down from above into it, shall be removed within five days by owner of land of which the obstruction was a part or any person not an owner trimming trees or cutting weeds or briars, or any person placing any other obstruction in water table, shall be liable for all damage done by turning water into the road bed, and also to a fine of two dollars for each day the obstruction has laid in the ditch longer than five days.

§ 2. It shall be the duty of the road overseer or county surveyor of roads, to report every misdemeanor under this act with all the evidence he may collect to the magistrate in whose district that part of the road may lay, on the penalty of being indicted by the first grand jury for misfeasance in office, and on conviction expelled from his office. On this act becoming a law the Fiscal Court shall order it to be published once each year for two years in some newspaper of general circulation published in their county.

§ 3. Any water table that may wash out deeper than necessary to carry the volume of water drained and undermining the road bed or adjacent property by the permission of overseer or road supervisor, the ditch may be filled or dammed to its proper size.

§ 4. In making or repairing any part of a public road one-sixth or more of all money so spent shall be used for the drainage of said road by making water tables and placing culverts or drain pipes of suitable number and size.

§ 5. This act shall not apply to telephone companies that have obtained the consent of the Fiscal Court of the county wherein its poles are located as to the location of same.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	Marion F. Pogue,
J. W. Berkshire,	Robt. C. Hill,	A. H. Points,
T. M. Bertram,	John W. Holland,	J. F. Porter,
S. M. Carson,	Hite Huffaker,	L. R. Ray,
W. G. Caudill,	R. Dillard Hunter,	G. T. Reynolds,
Sidney G. Clay,	W. G. Keen,	Farris Roberts, Jr.,
J. R. Claypool,	O. M. Kelsey,	S. C. Roberts,
Z. T. Coleman,	Wm. F. Klair,	S. M. Russell,
M. G. Colson,	John M. Letterle,	S. A. Shanklin,
S. F. Crabtree,	H. L. Lewis,	W. H. Shanks,
W. L. Craig,	Hugh Mahin,	W. Logan Shearer,
W. B. Creekmore,	J. H. McWaters,	J. J. Taylor,
Wm. S. Dean,	Don G. McVean,	E. E. Trivette,
H. C. Duffy,	Frank S. Moore,	Edward A. Weber,
L. H. Francies,	L. C. Owings,	W. F. Welch,
G. G. Frazier,	S. P. Parks,	W. R. Whitlow,
Chas. W. Fulton,	John C. Pirtle,	J. H. Williams,
H. T. Gartin,	G. H. Plitt,	J. R. Zimmerman,
Robt. L. Harris,		—55

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 18. An act to repeal Section 1725 of the Kentucky Statutes and being Sections 6 and 7, Chapter 33, of the Acts of 1894.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1725 of the Kentucky Statutes, and being Sections 6 and 7, Chapter 33, Acts 1894 of an act approved February 28, 1894, entitled "An act to amend an act entitled 'An act relating to fees,' approved June 15, 1893, by amending Article 1 thereof, relating especially to fees of Circuit Court Clerks," be and the same is hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	L. B. Herrington,	John C. Pirtle,
J. W. Berkshire,	Robt. C. Hill,	G. H. Plitt,
Eli Berry,	Samuel D. Hines,	Marion F. Pogue,
T. M. Bertram,	John W. Holland,	J. F. Porter,
O. Houston Brooks,	Hite Huffaker,	W. A. Price,
J. T. Buford,	R. Dillard Hunter,	L. R. Ray,
L. H. Carter,	Wm. F. Klair,	Geo. W. Reid,
W. G. Caudill,	J. H. Lackey,	J. F. Richardson,

J. P. Chinn,	John M. Letterle,	S. C. Roberts,
J. R. Claypool,	L. C. Littrell,	Sam'l L. Robertson,
Z. T. Coleman,	Hugh Mahin,	S. M. Russell,
M. G. Colson,	J. H. McWaters,	H. A. Schoberth,
Peter J. Cosgrove,	Don G. McVean,	S. A. Shanklin,
S. F. Crabtree,	Frank S. Moore,	W. H. Shanks,
C. F. Crecelius,	R. H. Moss,	John S. Steers,
L. H. Francies,	L. C. Owings,	W. R. Whitlow,
G. G. Frazier,	S. P. Parks,	J. H. Williams,
H. T. Gartin,	J. W. Perry,	J. R. Zimmerman,
T. D. Graham,		

—55

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 36. An act to provide for the teaching of literature in the common schools in the Commonwealth of Kentucky.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the course of instruction prescribed by the Board of Education and given in the common schools of this Commonwealth shall embrace the subject of literature, and that the same be taught as thoroughly and given the same attention as the other subjects of the common school curriculum.

§ 2. That the same requirements for the teaching of the other branches of the common schools of this Commonwealth shall apply

in teaching the subject of literature, and the same shall be one of the required subjects; but no teacher shall be required to stand examination on this subject until the year nineteen hundred and eleven.

§ 3. A suitable book for instruction in the subject of literature shall be adopted in the same manner as other text books and for the same period, the maximum cost of which shall not exceed seventy-five (75) cents, and this act shall take effect and be in full force at the beginning of the school year nineteen hundred and eleven.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, it was read the third time by its title and put upon its passage.

The yeas and nays being taken upon the passage of said bill, in accordance with the provision of the Constitution wers as follows, viz.:

Those who voted in the affirmative were—

J. M. Blair,	M. G. Colson,	L. C. Littrell,
O. Houston Brooks,	Peter J. Cosgrove,	Don G. McVean,
Frank J. Brown,	C. F. Crecelius,	Frank S. Moore,
J. T. Buford,	W. B. Creekmore,	S. P. Parks,
J. P. Chinn,	H. T. Gartin,	A. H. Points,
Sidney G. Clay,	S. B. Johnson,	W. A. Price,
J. R. Claypool,	Wm. F. Klair,	W. Logan Shearer,

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Those who voted in the negative were—

R. H. Akin,	Robt. C. Hill,	Geo. W. Reid,
W. D. Allbright,	John W. Holland,	G. T. Reynolds,
J. W. Berkshire,	Hite Huffaker,	J. F. Richardson,
P. W. Berkshire,	R. Dillard Hunter,	J. T. Riherd,
S. M. Carson,	J. H. Lackey,	Farris Roberts, Jr.,
W. G. Caudill,	John M. Letterle,	S. C. Roberts,
Henry Chunn,	H. L. Lewis,	Sam'l L. Robertson,

Z. A. Clore,	J. H. McWaters,	S. A. Shanklin,
Z. T. Coleman,	Ben E. Niles,	W. H. Shanks,
S. F. Crabtree,	C. C. Patrick,	W. H. Southall, Jr.,
W. L. Craig,	John C. Pirtle,	J. J. Taylor,
Wm. S. Dean,	W. F. Pitman,	Geo. C. Waggoner,
H. C. Duffy,	G. H. Plitt,	W. F. Welch,
G. G. Frazier,	Marion F. Pogue,	W. R. Whitlow,
Chas. W. Fulton,	J. F. Porter,	L. F. Withers,
T. D. Graham,	L. R. Ray,	J. R. Zimmerman,
L. B. Herrington,	R. A. Read,	—50

And so said bill was disagreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 220. An act for the promotion of Agriculture and Horticulture among the negroes, providing for Industrial Institutes and appropriating annually $5,000.00 therefor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the Commissioner of Agriculture, Labor and Statistics, with the approval of the State Board of Agriculture, Forestry and Immigration, to see that there be held in the State, and at such places as the Commissioner of Agriculture, Labor and Statistics, may think best, thirty Negro Farmers' Industrial Institutes of one or two days' duration each.

§ 2. Said Commissioner, with the approval of said Board, shall employ one competent Negro Director, who shall receive for his services, when actually engaged as such, $5.00 per diem and his necessary actual expenses, and said Commissioner shall employ whatever assistance that may, in the discretion of the Commissioner, be needed, to conduct said institutes.

§ 3. Said institute shall be advertised at least one month before convening, and an effort shall be made by the director to interest and instruct negro farmers in the most profitable and improved methods in agriculture and horticulture, and teach them exactly what can be done on a small tract of land by proper cultivation, moderate fertilizing and due rotation of crops, and awaken an interest in the industrial development of the State generally. This institute shall be used as a means of gathering the negro farmers together, of ascertaining their names and postoffices, learning their needs and giving them information in agriculture and other industrial lines, and distributing literature upon these subjects. Each district institute shall select one or more crop reporters from each county in said district to serve for one year without pay, whose duty shall be to report to the director, who shall compile said reports for the Commissioner of Agriculture, Labor and Statistics, quarterly, the acreage and condition of crops raised by negroes and such other information as the Commissioner, under the law, shall ask. Each district institute shall elect one or more delegates to the State Institute, as provided in the next section of this act.

§ 4. Said Commissioner shall cause to be held at Frankfort, or some other convenient place, as said board may agree upon, between the first day of January and the first day of March of each year, a State Negro Industrial Institute for negroes interested in the industrial development of the State, of at least two days' duration, at which only district delegates shall be entitled to vote. Each district shall have ten votes. Said commissioner shall be furnished with the name and postoffice address of each district delegate by the director of the institutes, and each delegate shall be notified of the time and place of holding the State Institute at least ten days before the same shall convene.

§ 5. For the purpose of carrying out the provisions of this act the sum of $3,000 per annum, in addition to the amount already

appropriated for the benefit of the Bureau of Agriculture, Labor and Statistics is hereby appropriated out of any money in the Treasury not otherwise appropriated for the use of said Bureau of Agriculture, Labor and Statistics.

The clerk of the board shall certify to all expenditures of the board to the chairman, who in turn shall certify to the Governor for his approval and upon his approval he shall authorize the Auditor of Public Accounts to draw his warrant uopn the Treasurer for the amount.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of the bill being dispensed with, it was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,
T. M. Bertram,
J. M. Blair,
J. O. Bogie,
J. T. Buford,
S. M. Carson,
J. P. Chinn,
Sidney G. Clay,
Z. T. Coleman,
M. G. Colson,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
W. B. Creekmore,
Wm. S. Dean,
L. H. Francies,
T. D. Graham,
Robt. L. Harris,
L. B. Herrington,
Robt. C. Hill,
Hite Huffaker,
R. Dillard Hunter,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
Hugh Mahin,
Don G. McVean,
Frank S. Moore,
H. J. Meyers,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
G. H. Plitt,
A. H. Points,
W. A. Price,
L. R. Ray,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
W. Logan Shearer,
W. H. Southall, Jr.,
J. J. Taylor,
Geo. C. Waggoner,
Edward A. Weber,
W. F. Welch,
W. R. Whitlow,

Those who voted in the negative were—

P. W. Berkshire,	G. G. Frazier,	Marion F. Pogue,
Frank J. Brown,	Chas. W. Fulton,	R. A. Read,
W. G. Caudill,	H. T. Gartin,	G. T. Reynolds,
Z. A. Clore,	J. H. McWaters,	J. T. Riherd,
W. L. Craig,	J. W. Perry,	W. R. Whitlow,
H. C. Duffy,	W. F. Pitman,	J. R. Zimmerman,

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Mr. Shanks offered the following amendment to the title of said bill:

Amend the title by striking out "$5000.00" and inserting in lieu thereof "$3000.00."

Said amendment was agreed to.

The House adjourned until 3:00 o'clock this afternoon.

AFTERNOON SESSION.

At 3:00 o'clock the House met pursuant to adjournment.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House entitled:

H. B. 354. An act for the benefit of the Home for Incurables.

A message was received from the Senate announcing that they had passed bills which originated in the House of Representatives of the following titles, viz.:

H. B. 170. An act authorizing the Judge of the Franklin Circuit Court to appoint a Commissioner of the State Fiscal Court.

H. B. 431. An act amending Section 4038 of the Kentucky Statutes of the edition compiled by John Carroll, and issued in 1903.

H. B. 107. An act to amend Section 1847, Kentucky Statutes, edition 1909, and to provide for temporary filling the office of County Commissioner.

H. B. 260. An act relating to weights, measures and balances and the appointment of an inspector of weights and measures for counties.

H. B. 523. An act to require owners of stock living on islands of the Mississippi River within the jurisdiction of Kentucky to keep up river stock.

H. B. 525. An act to repeal an act entitled: An act to amend and re-enact Section 3140, Kentucky Statutes, approved March 22, 1906, and to amend and re-enact Section 3140 of the Kentucky Statutes, compiled by John D. Carroll, and to amend and re-enact Section 3138 of the Kentucky Statutes.

H. B. 525. An act to repeal an act entitled "An act to amend and re-enact Section 3140, Kentucky Statutes," approved March 22, 1906, a penalty for any person who shall drink intoxicating liquor or be drunk or disorderly upon any public common carrier or in or about any depot station, ticket office, waiting room or platform of the same, fixing the venue of the prosecution for the violation of same and providing that officers and agents of common carriers may arrest violators.

H. B. 435. An act prohibiting waiters and servants from accepting tips in hotels and restaurants.

H. B. 436. An act for the benefit of the infant children of Hon. Mc. D. Ferguson, deceased.

H. B. 38. An act to amend Article 2 of Chapter 6 of Title 6 of the Code of Practice in Criminal Cases relating to the time of trial.

That they had concurred in amendments proposed by the House of Representatives to a bill which originated in the Senate of the following title:

S. B. 199. An act authorizing the Secretary of State to appoint Examiners for State Banking Institutions, Trust Companies, Banking and Loan Associations, Savings and Loan Association, combined Bank nad Trust Companies, and defining their duties, and that of the Secretary of State and providing compensation for aid duties.

And that they had passed said bill as amended.

That they had adopted a resolution of the following title:

S. Res. 21. A resolution providing for the appointment of a Tax Commission.

Said resolution is as follows:

Whereas an amendment of the Constitution of the State has been proposed for the purpose of permitting a reform of the revenue system of the State and it is desirable, in a matter of such importance that the people in order to act intelligently upon the proposed amendment, should have before them all possible information as to the operation of the present system in Kentucky, and of similar, as well as different systems in other States, and desirable also that in the event of the adoption of the said amendment by the people such information should be laid before the next General Assembly for its guidance, together with any suggested legislation.

Be it adopted by the Senate, the House of Representatives concurring.

§ 1. That a commission be and is hereby created to consist of the President of the Senate and the Speaker of the House of Representatives, and nine others of whom four shall be appointed by the President of the Senate, and five by the Speaker of the House. It shall be the duty of this Commission to make a full investigation of the operation of the present revenue system in Kentucky, and of similar, as well as different systems in other States, and to submit this information to the people of the State in such form from time to time as it may deem best, and also to recommend to the General Assembly at its next session such revenue legislation as it may deem advisable.

§ 2. The actual expenses of the Commission to be paid by the State.

By unanimous consent, the rules were suspended and said resolution was taken up for consideration.

The question being taken on concurring in said resolution it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. W. Perry and Welsh, were as follows, viz.:

Those who voted in the affirmative were—

S. M. Carson,	W. G. Keen,	W. V. Perry,
J. P. Chinn,	Wm. F. Klair,	W. A. Price,
Peter J. Cosgrove,	John M. Letterle,	S. C. Roberts,
C. F. Crecelius,	L. C. Littrell,	Sam'l L. Robertson,
L. H. Francies,	Don G. McVean,	S. M. Russell,
H. T. Gartin,	R. H. Moss,	S. A. Shanklin,
F. E. Graves,	H. J. Meyers,	W. H. Shanks,
Robt. L. Harris,	W. H. Newell,	W. H. Southall, Jr.,
Hite Huffaker,	S. P. Parks,	W. F. Welch,
R. Dillard Hunter,	C. C. Patrick,	J. R. Zimmerman.

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Those who voted in the negative were—

R. H. Akin,	S. F. Crabtree,	G. H. Plitt,
J. W. Berkshire,	W. L. Craig,	A. H. Points,
P. W. Berkshire,	H. C. Duffy,	J. F. Porter,
Eli Berry,	G. G. Frazier,	L. R. Ray,
T. M. Bertram,	Chas. W. Fulton,	G. T. Reynolds,
O. Houston Brooks,	T. D. Graham,	J. F. Richardson,
Frank J. Brown,	John W. Holland,	J. T. Riherd,
J. T. Buford,	O. M. Kelsey,	Farris Roberts, Jr.,
L. H. Carter,	J. H. Lackey,	W. Logan Shearer,
Henry Chunn,	H. L. Lewis,	John S. Steers,
Sidney G. Clay,	J. H. McWaters,	J. J. Taylor,
Z. A. Clore,	Ben E. Niles,	E. E. Trivette,
Z. T. Coleman,	J. W. Perry,	Geo. C. Waggoner,
M. G. Colson,	John C. Pirtle,	J. H. Williams,

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A message was received from the Senate announcing that they refused to recede from the amendment proposed by the Senate to a esolution which originated in the House entitled:

H. Res. 24. A resolution creating a Commission to examine into the condition of the public roads in the various counties of this Commonwealth to ascertain the manner and method of building and maintaining roads in other States and report to the next General Assembly.

Mr. Russell moved that the Speaker appoint a Committee of three members to act as conferrees on the part of the House of Representatives, and that the Senate be requested to appoint a similar committee to act in conjunction with those appointed by the House to take into consideration the matters of difference between the House and Senate relative to said resolution.

Said motion was agreed to.

Thereupon the Speaker appointed as said conferrees Messrs. Southall, Russell and Klair.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 165. An act to amend Section 2317 of the Kentucky Statutes relating to lien of landlord.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2317, Kentucky Statutes, Carroll's Edition, 1909, be amended by striking out the words "one hundred and twenty days" from said Section, and inserting in lieu thereof the words "eleven months," so that when amended said Section will read as follows:

"A landlord shall have a superior lien on the produce of the farm or premises rented, on the fixtures, on the household furniture, and other personal property of the tenant, or under-tenant, owned by him, after possession is taken under the lease; but such lien shall not be for more than one year's rent due or to become due, nor for any rent which has been due for more than eleven months. And if any such property be removed openly from the leased premises, and without fraudulent intent, and not returned, the landlord shall have a superior lien on the property so removed for fifteen days from the date of its removal, and may enforce his lien against the property wherever found."

Whereas, the end of the 120-day period amended herein will expire before this law becomes effective, an emergency is hereby declared to exist and this act shall become effective upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,
P. W. Berkshire,
Eli Berry,
T. M. Bertram,
J. O. Bogie,
O. Houston Brooks,
Frank J. Brown,
L. H. Carter,
J. P. Chinn,
Henry Chunn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
Z. T. Coleman,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
C. F. Crecelius,
H. C. Duffy,
G. G. Frazier,
Chas. W. Fulton,
H. T. Gartin,
F. E. Graves,
L. B. Herrington,
John W. Holland,
W. G. Keen,
W. T. Kenton,
O. M. Kelsey,
Wm. F. Klair,
John M. Letterle,
Hugh Mahin,
Don G. McVean,
H. J. Meyers,
Ben E. Niles,
S. P. Parks,
C. C. Patrick,
J. W. Perry,
W. V. Perry,
John C. Pirtle,
W. F. Pitman,
G. H. Plitt,
Marion F. Pogue,
A. H. Points,
J. F. Porter,
W. A. Price,
G. T. Reynolds,
J. F. Richardson,
Farris Roberts, Jr.,
S. C. Roberts,
S. M. Russell,
H. A. Schoberth,
S. A. Shanklin,
W. H. Shanks,
John S. Steers,
Geo. C. Waggoner,
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Those who voted in the negative were—

W. H. Southall, Jr.,

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion w s agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

'S. B. 87. An act for the benefit of the Kentucky Home Society for colored children.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of five thousand dollars per annum payable annually, for the benefit of the Kentucky Home Society for colored children, and the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrants upon the treasury annually in favor of the Treasurer of the Kentucky Home Society for colored children for the sum of five thousand dollars.

Provided, no part of said appropriations shall be paid until there has been executed on the part of said Society, a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of said sums of money so appropriated shall be applied to the purposes of the charter of said Society, that is, to the care, support and maintenance of homeless and destitute children in this Commonwealth, and providing homes for same, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts, and kept as a record in his office. If any part of said appropriations be not so applied then all of such part thereof as may be unexpended shall be returned to and covered into the State treasury. Said Society shall, by its proper officers, make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where and how said funds or appropriations have been applied and disbursed.

§ 2. The said Auditor is authorized and directed to draw his warrants upon the treasury in favor of the Treasurer of the Kentucky Home Society for colored children, on the 1st day of June, 1910, and annually on the same day and date thereafter, for the sum of five thousand dollars each.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. D. Allbright,	T. D. Graham,	G. H. Plitt,
J. M. Blair,	F. E. Graves,	A. H. Points,
J. O. Bogie,	Robt. L. Harris,	W. A. Price,
O. Houston Brooks,	John W. Holland,	R. A. Read,
Frank J. Brown,	Hite Huffaker,	G. T. Reynolds,
J. T. Buford,	R. Dillard Hunter,	H. T. Rich,
S. M. Carson,	W. G. Keen,	J. F. Richardson,
L. H. Carter,	W. T. Kenton,	Farris Roberts, Jr.,
J. P. Chinn,	Wm. F. Klair,	S. C. Roberts,
Henry Chunn,	John M. Letterle,	Sam'l L. Robertson,
Sidney G. Clay,	H. L. Lewis,	S. M. Russell,
Z. A. Clore,	Hugh Mahin,	H. A. Schoberth,
Z. T. Coleman,	J. H. McWaters,	S. A. Shanklin,
Albert J. Counts,	R. H. Moss,	W. H. Shanks,
Peter J. Cosgrove,	W. H. Newell,	W. Logan Shearer,
S. F. Crabtree,	L. C. Owings,	W. H. Southall, Jr.,
C. F. Crecelius,	S. P. Parks,	John S. Steers,
L. H. Francies,	C. C. Patrick,	E. E. Trivette,
G. G. Frazier,	W. V. Perry,	Geo. C. Waggoner,
H. T. Gartin,	W. F. Pitman,	L. F. Withers,

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Those who voted in the negative were—

J. W. Perry, J. H. Williams,

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 347. An act providing and appropriating money for a contingent fund for the use of the Governor of this Commonwealth.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, appropriated, annually, out of any funds in the Treasury not otherwise appropriated the sum of $3,000.00, or so much thereof as may be necessary, for the use of the Governor of this Commonwealth in defraying such necessary contingent expenses as are incident to the Office of Chief Executive of the Commonwealth of Kentucky. Said fund so appropriated shall be known as the Contingent Fund for the use of the Governor.

§ 2. Whenever it shall be necessary, in the judgment of the Governor, to meet an expense such as is indicated in the first paragraph of this act, he shall issue an order to the Auditor of Public Accounts for the amount required, and the Auditor of the Public Accounts shall thereupon issue a warrant in favor of the Governor for the amount indicated in said order.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	F. E. Graves,	W. A. Price,
W. D. Allbright,	Robt. L. Harris,	R. A. Read,
P. W. Berkshire,	L. B. Herrington,	H. T. Rich,
Eli Berry,	John W. Holland,	Farris Roberts, Jr.,
J. O. Bogie,	Hite Huffaker,	S. C. Roberts,
J. T. Buford,	S. B. Johnson,	Sam'l L. Robertson,
S. M. Carson,	W. G. Keen,	S. M. Russell,
L. H. Carter,	Wm. F. Klair,	S. A. Shanklin,
J. P. Chinn,	John M. Letterle,	W. H. Shanks,
Sidney G. Clay,	L. C. Littrell,	W. H. Southall, Jr.,
J. R. Claypool,	Hugh Mahin,	John S. Steers,
Albert J. Counts,	Don G. McVean,	J. J. Taylor,
Peter J. Cosgrove,	W. H. Newell,	E. E. Trivette,
S. F. Crabtree,	S. P. Parks,	Geo. C. Waggoner,
C. F. Crecelius,	C. C. Patrick,	J. H. Williams,
L. H. Francies,	G. H. Plitt,	L. F. Withers,
G. G. Frazier,	A. H. Points,	J. R. Zimmerman,

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Those who voted in the negative were—

T. M. Bertram,	H. C. Duffy,	J. W. Perry,
O. Houston Brooks,	Chas. W. Fulton,	J. F. Porter,
Z. A. Clore,	R. Dillard Hunter,	G. T. Reynolds,
Z. T. Coleman,	O. M. Kelsey,	J. T. Riherd,
W. L. Craig,	J. H. McWaters,	W. Logan Shearer,

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Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 70. An act to amend an act entitled, "An act for the creation and regulation of private corporations," being an act relating to the subject of insurance and the transaction of the business of life or casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 124, and Section 143, subdivision 3, of an act, entitled: "An act for the creation and regulation of private corporations" (which became a law April 5th, 1893), being identical with and fully embraced by Section 661, and Section 680, subdivision 3, Chapter 32, Kentucky Statutes of 1903, respectively, and the same are hereby amended as follows:

Section 124 of said act, and Section 661, Kentucky Statutes, are amended by striking therefrom the words "two per centum" and inserting in lieu thereof five per centum and by striking therefrom the words "to be held in trust for the beneficiaries," and inserting in lieu thereof the words "to be invested in securities in which insurance companies are allowed by law to invest their capital, and deposited with the Treasurer of the Commonwealth in trust for the beneficiaries," so that the same shall read as follows when amended:

Upon filing in the office of the Commissioner the articles of incorporation required, together with the sworn statement by three of said incorporators that at least two hundred persons, eligible under the proposed laws of such corporation, association or society to membership therein, have in good faith made application in writing, for membership, the same shall be referred to and examined by the Attorney General, and if found by him to be conformable to the requirements of this law, and not inconsistent with the laws of the State, he shall certify accordingly and return the same, and with his certificate of such conformity, to said Commissioner, who shall cause the said articles, with the certificate of the Attorney General, to be recorded in a book to be kept for the purpose, and shall deliver to such corporation, association or society a certified copy of the papers so filed and recorded in his office, and a certificate of the said Attorney General, together with the license of said Commissioner to such corporation, association or society, to engage in the business proposed in said declaration; and upon such certified copy and license being filed in the office of the clerk of the county where the association is to be located, the said incorporators, and those that may thereafter become associated with them, or their successors, shall be constituted a body politic and corporate, and lawfully entitled to commence its business when at least twn hundred persons have subscribed, in writing, to be insured therein in the aggregate amount of at least two hundred thousand dollars, and have each paid in five per centum on the amount of severally subscribed for, in cash, to be invested in securities in which insurance companies are allowed by law to invest their capital, and deposited with the Treasurer of the Commonwealth in trust for the beneficiaries; and the emergency fund has been deposited as hereinafter provided; and the Commissioner shall have certified that it has complied with the provision of this law, and is authorized to transact business.

§ 2. Section 143 of said act, and Section 680, Kentucky Statutes, are amended by striking therefrom the words "good securities amounting to not less than the amount of the maximum certificate or policy issued by it" and inserting in lieu thereof the words "good securities,

in which insurance companies are allowed by law to invest their capital, amounting to not less than ten thousand dollars;" so that the same shall read as follows when amended:

Any corporation organized under the laws of any other State of the United States, for the purpose of furnishing life or accident insurance upon the assessment plan, or carry on the business of life or accident insurance upon the assessment or co-operative plan, shall receive from the Commissioner of Insurance of this State a certificate that it has complied with the provision of the law, and is authorized to do business in this State whenever such corporation shall deposit with him a certified copy of its charter or articles of incorporation; a copy of its statement of business for the year ending the 31st day of next preceding December, sworn to by the president and secretary, or like officers thereof, setting forth the number and amount of certificates of membership or policies in force, and a detailed account of its expenditures, income, assets and liabilities; and also a certificate sworn to by the president and secretary, or like officers thereof, setting forth that it has paid, and has the ability to pay, its certificates or policies to the full limit named therein; that its certificates or policies are payable only to beneficiaries have a legal interest in the life of the member insured; that an ordinary assessment upon its members is sufficient to pay its maximum certificate of membership or policy theretofore insured, if any or thereafter to be issued to residents of this State, to the full amount or limit therein named; a certificate from the Insurance Commissioner, or other like officer charged with the duty of executing or enforcing the execution of the insurance law of its home State, certifying that it is legally entitled to do business in its home State; and that the hold on deposit, for the benefit of policy holders of such company, good securities, in which insurance companies are allowed by law to invest their capital, amount to not less than ten thousand dollars; but any company not having such deposit in this State in the manner and subject to the provisions of this subdivision applicable to companies organized under the laws of this State. A copy of the application for membership or

insurance, and of each form thereof, if more than one form is used; a copy of the form of certificate of membership of policy and of each form thereof, if more than one form is used; a copy of the constitution and by-laws, and of each and every addition thereof, which must show that all indemnities to beneficiaries are in the main provided for by assessments upon all surviving members. The certificate of authority herein authorized may be withheld from any such corporation or association whenever it may appear to the satisfaction of the Commissioner that the affairs and business of such corporation or association is in an unsound condition, or its business not carried on within the limits and restrictions of its organic law, or that any of the terms, conditions or by-laws have been or are being violated, or that said corporation shall refuse to permit a full examination of its affairs to be made when deemed necessary by the Commissioner.

§ 3. The provisions of the foregoing sections as amended shall not apply to fraternal orders or societies, and shall only apply to corporations, associations and societies organized under the laws of this State, and to foreign corporations, associations and societies coming into this State for the purpose of doing the business of life or casualty insurance, or both life and casualty insurance upon that co-operative plan.

§ 4. All laws which are in conflict with this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	G. G. Frazier,	Marion F. Pogue,
W. D. Allbright,	F. E. Graves,	W. A. Price,
J. W. Berkshire,	Robt. L. Harris,	Geo. W. Reid,
P. W. Berkshire,	L. B. Herrington,	G. T. Reynolds,

T. M. Bertram,	Samuel D. Hines,	J. F. Richardson,
O. Houston Brooks,	John W. Holland,	J. T. Riherd,
Frank J. Brown,	W. T. Kenton,	S. C. Roberts,
J. T. Buford,	O. M. Kelsey,	Sam'l L. Robertson,
L. H. Carter,	Wm. F. Klair,	H. A. Schoberth,
W. G. Caudill,	John M. Letterle,	S. A. Shanklin,
J. P. Chinn,	H. L. Lewis,	W. H. Shanks,
J. R. Claypool,	L. C. Littrell,	W. Logan Shearer,
Z. A. Clore,	J. H. McWaters,	W. H. Southall, Jr.,
M. G. Colson,	H. J. Meyers,	John S. Steers,
Albert J. Counts,	L. C. Owings,	E. E. Trivette,
Peter J. Cosgrove,	S. P. Parks,	Geo. C. Waggoner,
S. F. Crabtree,	W. V. Perry,	W. F. Welch,
W. L. Craig,	John C. Pirtle,	W. R. Whitlow,
C. F. Crecelius,	W. F. Pitman,	L. F. Withers,
L. H. Francies,	G. H. Plitt,	J. R. Zimmerman,

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Resolved that the title thereof be as aforesaid.

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 20. An act for the benefit of the Kentucky Institution for the Education of the Blind.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty thousand dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to the use and benefit of the Kentucky Institution for the Education of the Blind.

§ 2. Said sum to be expended by the Board of Visitors of said Institution in the following manner, viz: For money advanced by American National Bank to meet Insurance and other extraordinary expenses, four thousand dollars; for improving and extending teaching facilities, five thousand dollars; for repairs and fencing, five thousand dollars; for installing electricity, three thousand dollars; for building retaining walls to preserve the property of the State endangered by cut on Haldeman Avenue, five thousand dollars; for new wings for Colored Department, eighteen thousand dollars.

§ 3. And the Auditor is hereby authorized and directed, on application of the President of said Board of Visitors, to issue his warrants on the Treasury for the same, in favor of the Treasurer of the Board of Visitors of said Institution for the Blind, one-fourth payable in six months, one-fourth in twelve months, one-fourth in eighteen months, and one-fourth in twenty-four months, on and after the date of this act becoming a law.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. H. Akin,	Robt. L. Harris,	Marion F. Pogue,
W. D. Allbright,	L. B. Herrington,	W. A. Price,
J. W. Berkshire,	Samuel D. Hines,	L. R. Ray,
Eli Berry,	John W. Holland,	R. A. Read,
J. O. Bogie,	Hite Huffaker,	Geo. W. Reid,
O. Houston Brooks,	R. Dillard Hunter,	G. T. Reynolds,
Frank J. Brown,	S. B. Johnson,	J. F. Richardson,
J. T. Buford,	W. G. Keen,	J. T. Riherd,

W. G. Caudill,
J. P. Chinn,
Sidney G. Clay,
J. R. Claypool,
Z. A. Clore,
M. G. Colson,
Albert J. Counts,
Peter J. Cosgrove,
S. F. Crabtree,
W. L. Craig,
C. F. Crecelius,
H. C. Duffy,
L. H. Francis,
G. G. Frazier,
T. D. Graham,
F. E. Graves,
Wm. F. Klair,
J. H. Lackey,
John M. Letterle,
H. L. Lewis,
Hugh Mahin,
J. H. McWaters,
Frank S. Moore,
R. H. Moss,
H. J. Meyers,
L. C. Owings,
S. P. Parks,
C. C. Patrick,
W. V. Perry,
W. F. Pitman,
G. H. Plitt,
Farris Roberts, Jr.,
S. C. Roberts,
Sam'l L. Robertson,
S. M. Russell,
H. A. Schoberth,
W. H. Shanks,
W. H. Southall, Jr.,
John S. Steers,
E. E. Trivette,
Geo. C. Waggoner,
W. F. Welch,
W. R. Whitlow,
J. H. Williams,
L. F. Withers,
J. R. Zimmerman,
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Those who voted in the negative were—

J. W. Perry,

Resolved that the title thereof be as aforesaid.

Mr. Crecelius moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

Mr. Pogue, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz:

S. B. 279. An act to amend Sections 205 and 210 of an act providing for the creation and regulation of private corporations, which became a law April 5, 1893, being Chapter 171 of the Session Acts of 1891-92-93, and being also Sections 786 and 793, Carroll's Edition of the Kentucky Statutes.

S. B. 199. An act authorizing the Secretary of State to appoint examiners for State banking institutions, trust companies, banking and loan associations, savings and loan associations, combined bank and trust companies, and defining their duties and that of the Secretary of State, and providing compensation for said duties.

H. B. 380. An act limiting the time in which certain actions by the Commonwealth, county, city, or other taxing district may be instituted.

H. B. 90. An act providing for an additional compensation for jurors in the Circuit Courts of this Commonwealth.

H. B. 130. An act concerning the employment of persons to serve as foremen for coal mines, and regulating the granting of certificates of qualification to persons who act as such mine foremen.

H. B. 502. An act to amend Section 281 of the Code of Practice in criminal cases.

H. B. 151. An act to further regulate assessment fire insurance companies.

H. B. 138. An act to amend an act amending Section 965 of the Kentucky Statutes relating to the time of holding Circuit Courts in the Eighth Judicial District, which amendment was approved March 17, 1896.

H. B. 99. An act creating the office of District Detective to the Commonwealth Attorney in all counties of this Commonwealth having cities of the Second Class.

H. B. 303. An act to limit the power of cities of the Third Class and towns to sell, convey, lease or mortgage any water-works system or lighting system or income thereof.

H. B. 209. An act to amend Section 1944a, concerning rabbits and squirrels.

H. B 198. An act to make an Option a recordable instrument.

H. B. 373. An act to provide for the appointment of trustees for county academies and seminaries.

H. B. 459. An act to create the office of Assistant Commonwealth's Attorney in the Districts embracing not less than six counties.

H. B. 342. An act to amend an act entitled "An act for the erection and maintenance of the Confederate Home," approved March 27, 1902, and amended March 27, 1906.

H. B. 332. An act to amend Section 356 of the Kentucky Statutes to increase fees of jailers.

H. B. 1. An act to amend Sections 2445 and 2447, Kentucky Statutes and to provide clerk hire for the Librarian of the Commonwealth.

H. B. 210. An act to amend Section 1697, Subdivision 1 of Article 15, Chapter 46, of the Kentucky Statutes, Carroll's Edition of 1903, entitled "Execution."

H. B. 521. An act to amend Chapter 52, Article 1, Section 1840, Carroll's Kentucky Statutes.

H. B. 423. An act to amend Section 4748-B, Subsection 5, Carroll's Edition of the Kentucky Statutes of 1909, entitled Fiscal Courts to acquire roads if proposition carries—tax levied and disposition thereof.

H. B. 258. An act to repeal an act entitled "An act to regulate the practice of barbering, the registration and licensing of persons to carry on such practice and to insure the better education of such practitioners and insure better sanitary condition in barber shops, and prevent the spreading of disease in the State of Kentucky.

H. B. 381. An act to protect purchasers of land where same has been previously sold for delinquent taxes.

H. B. 44. An act to amend Section 965, Kentucky Statutes, relating to Circuit Courts in Sixth Judicial District.

H. B. 81. An act to amend an act entitled "An act for the government of cities of the First Class," approved July 1, 1893 for the better government and administration of school systems in cities of the First Class, and to create and perpetuate a pension or retirement fund for disabled public school teachers and to create and perpetuate a Board of Trustees for the management and conduct thereof, and to pension members thereof after service of a term of years.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 62. An act to provide for an amendment to the Constitution proposed by the Tax Commission.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members elected to each House, the yeas and nays being taken thereon and entered in full in their respective journals, Section 171 of the Constitution be, and it is amended and revised, so that it shall read as follows:

"The General Assembly shall provide by law an annual tax, which with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only and shall be uniform upon all property of the same class subject to taxation within the territorial limits of the authority levying tax; and all taxes shall be levied and collected by general laws.

"The General Assembly shall have power to divide property into classes and to determine what class or classes of property shall be subject to State taxation and what class or classes of property shall be subject to local taxation. Bonds of the State and counties, municipalities, taxing and school districts shall not be subject to taxation.

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky, and under Section 1459 of the edition of the Kentucky Statutes compiled and edited by John D. Carroll and issued in 1909.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of the bill being dispensed with, it was read the third time by its title, and put on its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. D. Allbright,	Samuel D. Hines,	H. J. Meyers,
S. M. Carson,	Hite Huffaker,	W. H. Newell,
Peter J. Cosgrove,	S. B. Johnson,	S. P. Parks,
L. H. Francies,	Wm. F. Klair,	G. H. Plitt,
H. T. Gartin,	John M. Letterle,	W. A. Price,
F. E. Graves,	Don G. McVean,	Sam'l L. Robertson,
Robt. L. Harris,	Frank S. Moore,	W. H. Shanks,
L. B. Herrington,	R. H. Moss,	W. Logan Shearer,

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Those who voted in the negative were—

R. H. Akin,	W. L. Craig,	R. A. Read,
J. W. Berkshire,	H. C. Duffy,	Geo. W. Reid,
P. W. Berkshire,	G. G. Frazier,	G. T. Reynolds,
Eli Berry,	T. D. Graham,	H. T. Rich,
T. M. Bertram,	John W. Holland,	J. F. Richardson,
O. Houston Brooks,	W. T. Kenton,	J. T. Riherd,
Frank J. Brown,	O. M. Kelsey,	Farris Roberts, Jr.,
J. T. Buford,	J. H. Lackey,	S. C. Roberts,
L. H. Carter,	J. H. McWaters,	S. M. Russell,
W. G. Caudill,	Ben E. Niles,	W. H. Southall, Jr.,
J. P. Chinn,	L. C. Owings,	John S. Steers,
Henry Chunn,	J. W. Perry,	J. J. Taylor,
Sidney G. Clay,	John C. Pirtle,	E. E. Trivette,
J. R. Claypool,	W. F. Pitman,	Geo. C. Waggoner,
Z. A. Clore,	Marion F. Pogue,	W. R. Whitlow,
Z. T. Coleman,	A. H. Points,	J. H. Williams,
M. G. Colson,	J. F. Porter,	J. R. Zimmerman,
S. F. Crabtree,	L. R. Ray,	

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And so said bill was disagreed to.

Mr. Klair moved that the House do now adjourn until 7:30 o'clock to-night.

Said motion was agreed to.

NIGHT SESSION.

At 7:30 o'clock P. M.

The House met pursuant to adjournment.

A message was received from the Governor announcing that he had approved and signed a bill which originated in the House entitled:

H. B. 3. An act to provide for the reporting and publication of the opinions of the Court of Appeals of Kentucky.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles:

H. B. 59. An act to appropriate $50,000.00 to complete the work on the grounds of the New State Capitol.

H. B. 122. An act for the benefit of the Kentucky Normal and Industrial Institute for colored persons.

H. B. 257. An act to appropriate $1,000.00 to assist in erecting a monument or memorial building in Todd and Christian Counties at the birthplace of Jefferson Davis.

H. B. 484. An act providing that eight hours shall constitute a day for labors and mechanics employed on all public works in this Commonwealth.

Mr. Klair offered the following resolution, viz.:

Whereas, during the last few weeks the labors of the Chief Clerk have been unusually arduous, and in order to conduct the business of his office expeditiously and satisfactorily he has been necessarily compelled to incur extraordinary expense,

Resolved, that the sum of Two Hundred and Fifty Dollars ($250.00) is hereby allowed to James E. Stone, Chief Clerk, in order to compensate him for extra services rendered and expenses incurred in the proper conduct of his office, and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for said amount in favor of said James E. Stone as a necessary contingent expense of this House.

Said resolution was adopted.

M. McVean offered the following resolution:

Whereas, the sessions of the House of Representatives has caused additional work to be performed by T. R. Wiard, janitor of this building,

Whereas he has cared for the Representatives' Hall satisfactorily to this body, has at all times been courteous and obliging to the members thereof:

Be it resolved, That the sum of Fifty Dollars ($50.00) be and the same is hereby appropriated to the said T. R. Wiard, to be paid out of the contingent expenses of the House of Representatives The Auditor of Public Accounts is hereby directed to draw his warrant on the treasurer for said sum in favor of said T. R. Wiard when this resolution is certified to him by the Clerk of this House.

Said resolution was adopted.

Mr. Zimmerman offered the following resolution:

Whereas the official labors of this General Assembly are almost over, and the time is at hand when we shall say good-bye and depart for our several homes, and,

Whereas, in the discharge of our official duties we have been bound together by ties of friendship which time can not break asunder, and, whereas we must hang together to keep our constituents from hanging us separately,

Therefor be it Resolved by the General Assembly of the Commonwealth of Kentucky:

First: That we acknowledge our deep and lasting obligations to Hon. George S. Wilson, our peerless Speaker, for his uniform fairness and impartiality at all times.

Second: That we also acknowledge ourselves under great obligations to James E. Stone, the only Chief Clerk on this mundane sphere whose voice carries like a thirteen inch gun and who has been the efficient urbane and princely Clerk of this House since Kentucky was admitted into the Union. We also thank his able assistants, Mr. Wicker and Mr. Howes, who have been faithful and untiring.

Third: We also thank our vigilant and faithful Sergeant at Arms, and patient and untiring doorkeepers.

Fourth: Words can not express the love we cheerish for our splendid little pages who have labored so faithfully in the discharge of their duties.

Fifth: To our enrolling Clerk and her faithful assistant we return our sincere thanks for their efficiency and kindness.

Sixth: To the capable, alert, fair and gentlemenly reporters who represent the various newspapers we are under lasting obligations for their uniform fairness and courtesy at all times.

Seventh: Last, but not least, our splendid and capable stenographer claims our attention, and we give her unstinted thanks for her kindness and tireless energy.

Eighth: We also thank the custodian for his many favors and the elevator men for numerous ups and downs.

Ninth: We also thank each other for many kind acts and favors; for patience and industry and kindly forebearance during all our deliberations in Committee and on the floor of the House.

We also thank Hon. H. A. Shoberth, our matchless caucus chairman for his fairness at all times.

Said resolution was adopted.

Mr. Carter offered the following resolution:

Whereas, the unusual influx of bills into the office of State Superintendent of Printing, rendered it impossible for them to be handled by the Superintendent alone in the time exacted by both Houses, and,

Whereas, it was necessary for the said Superintendent of Printing to employ assistance, therefore,

Be it resolved, That said assistant, Roger H. Hedden, be allowed the sum of One Hundred Dollars ($100.00), the same to be paid out of the contingent fund, upon the certificate of the Clerk of the House of Representatives.

Said resolution was adopted.

Mr. Graves offered the following resolution:

Resolved by the House of Representatives that the Librarian is hereby authorized to sell to the members of this House the Kentucky Statutes and Codes of Practice at the following prices, to-wit:

Kentucky Statutes	$5.00
Codes of Practice	3.00

Said resolution was adopted.

Mr. Williams offered the following resolution:

Whereas, at the beginning of this session there was placed in our hands a booklet entitled, "Who's Who," published by the Louisville Times, and

Whereas, this booklet has been of valuable assistance to us in various ways, and as this booklet was a gratuitous gift to the members of this House, therefore,

Be it resolved, That we congratulate the Times Publishing Company on the enterprising spirit shown in the getting up of this booklet, and we do hereby tender our thanks and gratitude to the Louisville Times for the same, and the Clerk is hereby instructed to forward a copy of this resolution to the publishers of the Louisville Times.

Said resolution was adopted.

Mr. Clay offered the following resolution:

Whereas, the Committee on Agriculture has completed its labors in investigating the reports in the public press regardnig the office of the Commissioner of Agriculture as instructed by this House, therefore,

Be it resolved, that in order to meet the various expenses incurred in this investigation, a list of which is hereto attached, the sum of Two Hundred and Forty-five dollars and seventy-five cents ($245.75) be and is hereby appropriated and the Auditor of Public Accounts is directed to draw his warrant upon the State Treasurer for said sum in favor of S. A. Shanklin, Chairman of said Committee who is directed to distribute the fund to the persons entitled thereto, same to be paid and charged as a necessary contingent expense of the House of Representatives.

Said resolution was adopted.

Mr. Withers offered the following resolution:

Whereas, certain expenses have been incurred by the Sub-committee on Military Affairs persuant to a joint resolution and aSenate Resolution, amounting in the aggregate to $119.20, and itemized account of which is heretofore attached,

Now, be it resolved by the House of Representatives:

That the Auditor of Public Accounts be and he is hereby directed to draw his warrant upon the Treasurer in favor of the Sergeant of Arms of the House of Representatives for the amount shown in said itemized account, to be by him distributed to the persons and in the amounts shown in said account.

Said resolution was adopted.

Mr. Russell of the Committee on Conference appointed to consider the matter of difference between the Senate and House of Representatives relative to a resolution entitled:

H. Res. 24. Resolution creating a Commission to examine into the condition of the public roads in the various counties of this Commonwealth to ascertain the manner and method of building and maintaining roads in other States and report to the next General Assembly.

Offered the following report, viz.:

To the House of Representatives and to the Senate of Kentucky:

We, the conferees appointed by the two Houses for the purpose of considering the matter of disagreement between the Senate and House of Representatives relative to House Resolution No. 24, beg leave to report the following as a substitute for the resolution originally proposed as House Resolution No. 24, and recommend that the same be adopted.

"Resolution providing for the creation of a Commission to examine into the condition of the public roads in the various counties of this Commonwealth to ascertain the manner and methods of building and maintaining the roads in other States and report to the next General Assembly.

Whereas, at the last State election an amendment to the Constitution was adopted by the voters of the State providing that the credit of the Commonwealth be loaned for public road purposes, and

Whereas, it is desirable that accurate information be obtained concerning the best way and manner of building roads, and

Whereas, it is desirable that the laws of other States be examined on this subject, also that the methods of building or maintaining public roads in other States be ascertained,

Be it resolved by the General Assembly of the Commonwealth of Kentucky.

§ 1. That a commission is hereby created to consist of nine members, three of whom shall be members of the Senate, to be appointed by the President of the Senate, and five to be members of the House to be appointed by the Speaker of the House, and the Governor of the Commonwealth shall appoint one member of said Commission who may or may not be a member of the General Assembly.

The Commission shall examine into the conditions of the roads of the various counties of the Commonwealth and shall ascertain and report how the roads are maintained, and report the amount of money expended by each County on its public roads; they shall also ascertain and report the condition of the various roads in each County, and said Commission may visit other States upon the advice and consent of the Governor of the Commonwealth and ascertain from the State or States visited the method of building and maintaining public

roads in the State or States visited. Said Commission shall examine the laws of other States governing public roads; and it shall be the duty of said Commission to make a full and complete report of all the information and facts obtained and prepare a bill or bills for the purpose of carrying into effect the amendment to the Constitution adopted by the voters of the State as aforesaid. The Commission shall submit its report in writing at least thirty days before the convening of the next General Assembly; and the Governor shall transmit the report of the Commission with any bills or recommendations that it may make to the General Assembly.

§ 2. Said Commission shall receive for their services five dollars per diem and actual expenses incurred while in session; provided that they shall not be paid for more than thirty days, and the Auditor of Public Accounts is directed on the filing of an itemized and certified account of such per diem and expenses to draw his warrant upon the Treasurer for the payment of same in favor of the persons entitled thereto."

Said report was adopted.

And said resolution as amended by said report was adopted.

At the instance of the Committee on Rules.

The House took up for consideration from the orders of the day a bill entitled:

S. B. 278. An act providing that the sum of $25,000.00 be appropriated to be expended by the Board of Penitentiary Commissioners for the purpose of erecting a hospital, etc.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of $25,000.00 or so much thereof as may be necessary, be, and the same is hereby appropriated out of the revenues

of the Commonwealth of Kentucky, to be expended by the Board of Penitentiary Commissioners in the erection and equipment of a hospital upon the grounds of the Kentucky Penitentiary at Frankfort, Kentucky. Such hospital shall include quarters for the physician and two internes.

§ 2. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of $15,000.00 or so much thereof as may be necessary for the erection and equipment of a suitable hospital upon the grounds of the branch Penitentiary at Eddyville, Kentucky.

§ 3. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of $10,000 or so much thereof as may be necessary to be expended by the Board of Penitentiary Commissioners in erection and equipment of an ice manufacturing and cold storage plant upon the grounds of the Kentucky Penitentiary at Frankfort, Kentucky.

§ 4. The Board of Penitentiary Commissioners shall purchase materials in this act required to be provided, and erect said structures and install said improvements under contracts which shall be let to the lowest and best bidders therefor, upon sealed bids and after reasonable advertisement. Said Board may let the contracts for different classes of work separately, and shall so classify the work to be contracted for and the materials to be purchased as to obtain the advantage of the best prices therefor. The said Board may cause such work herein provided to be done, as can be properly and economically performed by them to be done by the inmates of the institutions where the work is being done, and by such of said inmates as are not hired under existing contracts.

§ 5. The Auditor of Public Accounts will draw his warrant upon the Treasurer in such amounts at such times and payable to such persons as may be entitled to receive the various appropriations herein provided for, upon the certificate of the Board of Penitentiary Commissioners provided that if the funds for the payment of said appro-

priations, or any of them are not available when and as needed, the said Board may contract for the payment for any of the said improvements in interest-bearing warrants to be issued to the person entitled to the pay therefor, and in such event the Auditor shall issue to the person entitled to receive the same, and according to the certificate of the Board of Penitentiary Commissioners, warrants of the Commonwealth of Kentucky bearing, not exceeding five per cent per annum, interest from date until paid.

§ 6. All acts and parts of acts in conflict herewith are repealed.

Mr. Russell offered the following amendment to said bill:

Amend by inserting after Section 3, the following as Section 4:

§ 4. That the sum of $12,000.00 or so much thereof as may be necessary is hereby appropriated out of the revenues of the Commonwealth of Kentucky to be expended by the Board of Prison Commissioners in the erection of a suitable brick building within the walls of the branch penitentiary at Eddyville, Kentucky, to replace the temporary building constructed of corrugated iron located within the walls of said penitentiary.

Said amendment was agreed to.

Mr. Moore offered the following amendment to said bill:

Amend by adding after Section 2 the following:

"There is hereby appropriated out of the revenues of the Commonwealth of Kentucky the sum of $25,000.00 or so much thereof as may be necessary, to be expended by the said Board of Penitentiary Commissioners in acquiring a farm for the Kentucky Branch Penitentiary at Eddyville."

"It shall be the duty of the Board of Penitentiary Commissioners to acquire by purchase or condemnation, as hereinafter provided one penal farm at a cost not to exceed $25,000.00 at the rate of not more than $50.00 per acre to be used in connection with the Branch Penitentiary at Eddyville, Kentucky."

Insert as Section 6 the following:

"§ 6. It shall be lawful for the Board of Penitentiary Commissioners in the conduct of said prisons to assign to work upon said farms and outside of the enclosures of the said penitentiary such number of convicts as may be necessary to properly cultivate and work same, and such convicts as from time to time are believed by the Board of Penitentiary Commissioners to be in such physical condition as to require such removal or such as it will be safe to work on such penal farm."

Add after line 12 Section 5, the following:

"The Auditor shall issue warrants for the payment of said farm provided for in this bill, payable in equal installments of one, two and three years, to bear interest at the rate of five per cent per annum from date thereof until aid."

Said amendment was agreed to.

Ordered that said bill as amended be read the third time.

The constitutional provision as to the third reading of said bill being dispensed with, the same was read the third time by its title, and put upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

J. O. Bogie,	John W Holland,	S. P. Parks,
O. Houston Brooks,	Hite Huffaker,	John C. Pirtle,
Frank J. Brown,	W. G. Keen,	A. H. Points,
J. T. Buford,	W. T. Kenton,	Geo. W. Reid,

S. M. Carson,	L. C. Littrell,	J. F. Richardson,
Sidney G. Clay,	Hugh Mahin,	Sam'l L. Robertson,
J. R. Claypool,	J. H. McWaters,	S. M. Russell,
Z. T. Coleman,	Don G. McVean,	H. A. Schoberth,
Peter J. Cosgrove,	Frank S. Moore,	S. A. Shanklin,
C. F. Crecelius,	R. H. Moss,	W. H. Shanks,
H. T. Gartin,	H. J. Meyers,	W. H. Southall, Jr.,
T. D. Graham,	Ben E. Niles,	John S. Steers,
F. E. Graves,	L. C. Owings,	Geo. C. Waggoner,

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Those who voted in the negative were—

R. H. Akin,	G. G. Frazier,	H. T. Rich,
W. D. Allbright,	Chas. W. Fulton,	J. T. Riherd,
J. W. Berkshire,	S. B. Johnson,	Farris Roberts, Jr.,
P. W. Berkshire,	C. C. Patrick,	S. C. Roberts,
T. M. Bertram,	J. W. Perry,	W. Logan Shearer,
L. H. Carter,	W. F. Pitman,	J. J. Taylor,
W. G. Caudill,	G. H. Plitt,	E. E. Trivette,
Z. A. Clore,	Marion F. Pogue,	J. W. Turner,
M. G. Colson,	W. A. Price,	W. F. Welch,
S. F. Crabtree,	L. R. Ray,	L. F. Withers,
Wm. S. Dean,	R. A. Read,	J. R. Zimmerman,
H. C. Duffy,	G. T. Reynolds,	

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And so said bill was disagreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 125. An act to provide for a more efficient system of common schools throughout the State, to create County Boards of Education, and to provide for the government and regulation of the common schools.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

COUNTY AND DIVISION BOARDS OF EDUCATION. SUB-DISTRICT TRUSTEES.

GENERAL REGULATIONS.

§ 1. Each and every county in this Commonwealth shall constitute one school district, except that where there is a city in any county maintaining a separate system of common schools in accordance with the law for cities of its class, or a graded common school district, established under special charter or general law, supplementing the State School Fund by a local tax of not less than twenty cents on each one hundred dollars of property assessed within said district, then the balance of said county outside of such city of graded school district shall constitute a school district. Nothing shall prevent a common school child from attending the nearest common school with the consent of the trustee of the district in which the child resides and the trustee of the district to which it desires to go.

§ 2. The County Board of Education of each county, as hereinafter provided, shall divide the county school district, as defined in Section 1, into four, six or eight educational divisions as may seem expedient, containing as nearly as possible equal numbers of children of school age, both white and colored, as shown by the last school census. It shall then sub-divide each of the said educational divisions into so many school sub-districts so laid off as to equalize as nearly as possible, in the judgment of the Board, the opportunities afforded pupil children. The boundary of any school sub-district, as above fixed shall include all children residing therein, and shall not include fewer than forty white children of school age, except in cases of extreme emergency, such emergency to be approved by the County Board of Education and the Superintendent of Public Instruction.

SUB-DISTRICT TRUSTEES.

§ 3. On the first Saturday in August, of each year, an election, from the hours of one until five o'clock in the afternoon, shall be held at the school building in each sub-district of this Commonwealth in which the term of office of the trustee is expiring, for the purpose of electing one trustee for said school sub-district, and the trustees so elected shall hold office for a term of two years and until their successors are duly elected or appointed and qualified as herein provided.

§ 4. Any person shall be eligible to the office of school trustee who is over twenty-one years of age, and who has been a resident of the sub-district for which he is elected for sixty days before the election, and who is able to read and write, as shown by a certificate of five reputable citizens of the sub-district, and all male persons over twenty-one years of age, who shall have resided in a school sub-district for sixty days next before an election shall have the right to vote at such election.

§ 5. All nominations for school trustees shall be by petition, signed by at least ten persons eligible to vote in elections for such trustees, and no name shall be placed upon any ballot unless such nominating petition is filed with the county clerk of the county in which such election is held, at least ten days prior to the date of such election. The officers of said election shall be a clerk and two judges, and shall be appointed by the regular election commissioners in each county and shall receive no compensation for their services; but the sheriff shall be paid by the county for notifying said officers as provided in the general election law. The said officers shall be the judges of the qualifications of each voter as prescribed in this act, and shall certify the returns of the election to the county superintendent of schools within five days after said election.

§ 6. All elections for school trustees shall be by ballot. Said ballot shall contain no emblem or device of any kind by which it may

be identified or known, and the ballot shall be printed and furnished by the county clerk of each county, and paid out of the county levy. But said ballot shall provide space whereby such electors may vote for or elect another than those whose names are printed upon said ballot.

§ 7. It shall be the duty of the trustee in each school sub-district to certify to the monthly and annual reports of the teacher, to personally supervise the school or schools in his sub-district and to report the needs thereof to the Division Board of his educational division at its regular meeting, together with such recommendations as he may deem necessary for the best interests of said school or schools. All such reports and recommendations shall be in writing. The Division Board shall refer such reports to the County Board with its recommendations on same.

§ 8. It shall be the duty of the trustees of each sub-district annually, during the month of April, to take, or cause to be taken, an exact census of all the children that reside in such sub-district on the first day of April who will be, on the first day of July following, between the ages of six and twenty years, and on or before the first day of May to report a list to the County Superintendent, specifying the name, age an sex of each child and the names of the parents or guardian, and a duplicate list to the clerk of the County Court to be entered in a book furnished him by the State, and kept as part of the records of his office. For the faithful performance of this duty he shall be allowed and paid from the county school fund the sum of five cents per pupil child reported in such census. Should any trustee or his representative wilfully add to the list the names of persons not entitled to be placed thereon, or otherwise knowingly make a false list, the person or persons thus offending shall, in addition to being liable to punishment for the crime of false swearing, be subject to a fine of not less than fifty dollars; and should any other school officer be a party to such fraudulent lists, or in any way aid in the commission of such fraud, he shall be liable to the same punishment. For a

failure to take such census and report the same within the time and in the manner herein required, the trustee shall be liable to a fine or not less than twenty dollars. Said trustee shall not take the census of any child who has moved into the sub-district from any other State, county or sub-district since the first day of April, in which the census is taken, unless on the signed statement of the parent or guardian of such pupil child that its name has not been listed in any other sub-district within the State; but any pupil child who may not have been reported in the sub-district in which he resides may attend the common school without payment. This section shall be printed in the census blanks furnished by the Superintendent of Public Instruction.

§ 9. No trustee shall be allowed to buy any teacher's claim, directly or indirectly, under the penalty or removal from office by the County Board. Any teacher who shall offer or give, directly or indirectly, and any trustee who shall ask or accept, directly or indirectly, either for himself for another, for the district, the school or the schoolhouse, any valuable consideration other than the services of the teacher for employing, or for being a party to employing such teacher, shall be deemed guilty of bribery, and upon indictment and conviction thereof, shall be fined as provided by law for the punishment of bribery.

DIVISION BOARDS.

§ 10. The County Superintendent of Schools shall meet the trustees elected from the various school sub-districts of each educational division at some point in said division to be designated by him, within thirty days after the election in August of each year, proper notice having been given in writing to each trustee as to the time and place of such meeting, for the purpose of organizing the trustees so elected into a division board of school trustees by choosing one of said trustees to be Chairman and one to be Secretary of said Division Board.

§ 11. The Chairman and Secretary shall perform the duties usually pertaining to these offices. A correct record of all proceedings shall be a public record.

§ 12. A majority of the members of each Division Board shall constitute a quorum, and a majority of those present shall be necessary to the election of any teacher for service in any sub-district school.

§ 13. The County Superintendent of Schools shall be a member of each Division Board of his county, but shall only vote upon any matter in case of a tie vote, and then he shall cast the deciding vote.

§ 14. Any vacancy that may exist in the trusteeship of any school sub-district shall be filled by appointment of the County Superintendent until the next meeting of the Division Board of the educational division of which said sub-district is a part, when such appointment may be confirmed or another person elected by the Division Board. Should the office of Chairman of a Division Board become vacant, as soon as possible thereafter, the County Superintendent shall call a meeting of such Division Board, which shall then proceed to elect another Chairman, and until a Chairman is so elected, the County Superintendent may designate one of its elected members as temporary Chairman.

§ 15. It shall be the duty of the Division Board of each educational division to elect one or more teachers for each school in such educational division, except as hereinafter provided. For this purpose each Division Board shall meet in the office of the County Superintendent on such day during the month of June in each year, as may be selected, after ten days written notice by the Chairman to each member of the Board.

When vacancies exist, any Division Board shall meet on the last Saturday of July and August in each year for the purpose of filling such vacancies, and may meet for this, or other business, at such other times as the Chairman may designate, after due notice to each member.

§ 16. All applications for positions in said schools shall state the grade of certificate held by the applicant, and shall be filed with the Secretary of the Division Board of the educational division in which the position is sought.

§ 17. Teachers in elementary schools shall be elected for one school year, but may be removed by the Division Board employing them at any time, subject to the approval of the County Superintendent, for incompetency, neglect of duty or immoral conduct.

§18. Contracts with all teachers shall be in writing, signed in duplicate by the teacher and by the Chairman and Secretary of the Division Board of the division in which the teacher is employed.

COUNTY BOARDS.

§ 19. The County Board of Education of each county shall be a body politic and corporate by that name, and shall consist of the County Superintendent of common schools, and the Chairmen of the Division Boards of Education of such county, who have been chosen as hereinbefore provided.

§ 20. The County Superintendent of Common Schools shall be ex-officio Chairman of the County Board, and, in his absence, the members present shall elect a Chairman pro tempore.

§ 21. The Board shall elect a Secretary from its membership, who shall keep a faithful record of the proceedings of the Board. Said record shall be signed by the Chairman or, in his absence, by the Chairman pro tempore and by the Secretary and shall at all times be open to inspection of persons concerned.

§ 22. A majority of the members shall constitute a quorum of the Board for the transaction of business.

§ 23. Meetings of the Board shall be held upon the call of the Chairman at such times as he may direct, but he shall call a meeting upon the written request of three members, and shall always give due notice to all members of the time and place of meeting.

§ 24. Each member of the County Board shall be paid from the county school fund three dollars for each day's service on the Board, but no other member shall be paid for more than twelve days' service in any one year, either for actual attendance upon meetings of the Board, or for inspecting the schools and school property of his division in company with the County Superintendent.

POWERS AND DUTIES.

§ 25. The County Board of Education shall have full power, when necessary to lay off or establish new educational divisions and school sub-districts, or to change the boundaries of those already established.

§ 26. The County Board of Education shall have full power to distribute the annual per capita appropriation from the State School Fund among the sub-districts of the county, for the payment of teachers in such proportion as will, in the judgment of the Board, most nearly equalize the opportunities offered to the pupil children of each sub-district.

§ 27. (a) The County Board of Education shall have the power to purchase, lease or rent school sites, to build, to repair and to rent school houses, purchase maps, globes, charts, school furniture or other apparatus necessary to the efficient conduct of the schools of the county, and said County Board is hereby vested with the title, care and custody of all school houses, sites or other property belonging to the sub-districts of their several counties, and when, in the opinion of the Board, any site for a school house has become unnecessary, it may sell and convey the same in the name of the County Board of Education.

(b) It shall have the power to condemn any real estate necessary for school purposes in any sub-district and may proceed to do so in the manner provided by law for the condemnation of lands for railroad purposes.

(c) It shall have the power to receive any gift, grant or donation for the use of the schools within the county, and all conveyances of real estate which shall be made to said County Board of Education shall vest the property in said Board and their successors in office for the use and benefit of the schools of the county.

§ 28. It shall be the duty of the County Board of Education to estimate and lay before the Fiscal Court of the county the educational needs of the county, and said Court shall levy a tax for school purposes in accordance with such estimate, not to exceed twenty cents on each one hundred dollars of assessed valuation of property in the county and a capitation tax not exceeding one dollar, and the sheriff shall then collect this tax as other State and county taxes are collected: Provided, no tax for school purposes shall be levied under this act upon property in cities and towns maintaining a first class system of common schools in which all grades are already taught to the satisfaction of the State Board of Education, and upon property in school districts exempt under the provisions of Section 1 of this article. When the tax so levied shall have been collected by the sheriff of the county, he shall turn over to the Treasurer of the County Board of Education, the amount of money so levied and collected, and the County Board shall expend the money so received in the building, improvement and equipment of school houses, for the purchase and condemnation of necessary real estate, for the payment of teachers, purchasing necessary supplies, and the extension of the school term in the various sub-districts throughout the county, as in its judgment the needs of the individual schools for white and colored pupils demand. No funds shall be paid out except on the order of the County Board, signed by the Chairman and countersigned by the Secretary.

§ 29. It shall be the duty of the County Board, through its Chairman, to present an annual financial report to the Fiscal Court of the county on the date specified by that Court for receiving said report. The books and records of the County Board shall be open at all times for the inspection of any citizen of the county.

§ 30. It shall be the duty of each member (division chairman) of the County Board of Education to report in writing the exact status of the educational affairs of his educational division to the County Board for consideration at least twice each year, and at such other times as the Chairman of the County Board may require.

§ 31. Upon the petition of ten legal voters of any school sub-district, the County Board of Education shall submit to the legal voters of said sub-district the question whether or not a tax shall be levied upon the taxable property in such sub-district in any school year for local school purposes; and an ad valorem tax may be so voted not to exceed twenty-five cents on each one hundred dollars of taxable property. Such questions shall be voted on at the regular school election held, as provided by this act, on the first Saturday in August. At least fifteen days' notice that such question will be voted on at any school election shall be given by written or printed hand-bills, posted in at least five conspicuous places in such sub-district. The returns of said election shall be made to the Chairman of the County Board of Education, and said Board shall meet within seven days after such an election and canvass the returns, and if it be ascertained that a majority vote in such sub-district was cast in favor of such tax, said Board shall, on its minute book, enter order levying such tax in such sub-district, and it shall be the duty of the sheriff of the county on his official bond to collect such tax and hold the same subject to the order of the County Board of Education for the benefit of the sub-district voting such tax, and said sheriff shall receive the same compensation therefor as for collecting State and county revenue.

FRACTIONAL SUB-DISTRICTS.

§ 32. With the concurrence of the county boards, the county superintendents of two adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a sub-district composed of parts of both counties.

The selection and payment of teachers and general control of such sub-district shall be lodged in the county and Division Boards of the county in which the school building is located, but the County Board of the other contracting county shall pay such proportion of the total expense of conducting said schools as may be mutually satisfactory and stated in a written contract, which contract shall also state definitely the boundaries of such fractional sub-district. Said contract shall be spread upon the minutes of each Board, and duplicate copies signed by the President and Secretary of each Board shall be filed in the office of the county clerk of each of the contracting counties.

§ 33. In the sub-district thus constituted, one trustee, who may reside in either fraction, shall be elected from the sub-district at large, but said trustee shall be a member of the Division Board of the controlling county as hereinbefore provided. The duties of the trustee of such fractional sub-district shall be the same as those of other sub-district trustees, save that in making a census of the children of school age residing in the sub-district he shall list the children of the two counties separately, and make returns to each county superintendent of the children residing in his county.

CONSOLIDATED SCHOOLS.

§ 34. The County Board of any county shall have power to consolidate with reference to the needs of either white or colored children, any two or more contiguous school sub-districts, and in case of such consolidation school houses shall be built or acquired, located at some point convenient to the patrons and of sufficient capacity to accommodate the pupil children of such consolidated school sub-district, and such schools shall be called and known as consolidated schools. Teachers for such consolidated schools shall be employed in the same manner as for school sub-districts. The monthly and annual reports of teachers so employed shall be validated by the signature of the trustee of the sub-district in which the consolidated school is located.

The Board may also provide for the free transportation of pupils to and from school under such rules and regulations as it may prescribe. Contracts for such transportation shall be let to the lowest and best bidder, and all expenses thereof shall be paid out of the county school levy.

HIGH SCHOOLS.

§ 35. On or before the tenth day of September, 1910, there shall be established by the County Board of Education of each county one or more county high schools so located as to best meet, in the judgment of the Board, the needs and conveniences of the people. Provided, there is not already existing in the county a high school of the first class; if such high school already exists, and if the County Board may be able to make such an arrangement with the trustees or Board of Education of said high school as will furnish to the pupils completing the rural school course free tuition in said high school, then said high school may be considered as meeting the purpose of this law without the establishment by the Board of another high school.

§ 36. The county boards of education in the various counties shall have full power and authority to unite with the governing authorities of any city or town in their respective counties for the purpose of establishing a high school for the joint use of the city or town and such county, and to unite with such authorities for the purpose of maintaining such high school if one be already in existence. For this purpose said county boards are hereby given full power and authority to make such contracts as they may deem necessary or proper for the establishment and maintenance of such high schools for the joint use of the county and such city or town. Said contract shall be in writing and shall contain full and complete stipulations as to employment and compensation of teachers, course of study, payment of the expenses of the school and the control and discipline of the pupils.

§ 37. The county high schools of this Commonwealth shall be of the First, Second and Third Class. A First Class high school shall maintain a four years' course of study, which shall conform to the standard required by the State Board of Education. Such course of study may provide for instruction in manual training, domestic science and elementary agriculture. High schools of the Second Class shall maintain a course of three years, identical with the first three years of the First Class high school. High schools of the Third Class shall maintain a course of two years identical with the first two years of the First Class high school.

§ 38. The County Board of Education of any county is hereby authorized and empowered to order an election and submit to the voters of the county the question whether or not the said Board of Education shall issue bonds in any amount not exceeding the constitutional limit for the purpose of providing suitable grounds, school buildings and apparatus for the county high school. Said election shall be conducted in accordance with the law for bond elections in graded common school districts.

§ 39. When county high schools shall have been established as provided in this act, it shall be the duty of the County Board of Education to employ and fix the salaries of the teachers necessary to the efficient conduct of said high school and prescribe the course of study to be pursued, but said course of study shall not be below the standard fixed by the State Board of Education as hereinbefore provided. The text books to be used in the required course of said high schools shall be selected by the Text Book Commission as required by law.

§ 40. Whenever a county board shall establish a separate county high school of the First or Second Class in conformity with this act, the County Superintendent shall notify the State Board of Education and the said Board shall, as soon as possible, cause such school to be officially inspected, and if it conforms to such standard as may be prescribed by the State Board of Education for regularly organized

high schools of either of these classes in the Commonwealth, then the State Board of Education is hereby authorized and empowered to make annual appropriations as hereinafter provided to aid in the maintenance of such high schools. After the annual estimate and apportionment of the State School Fund has been made, if the apportionment under such estimate shows a pro rata share of four dollars for each pupil child entitled thereto, and the estimate shows a sufficient surplus to the credit of the school fund, then the State Board may use such portion of said surplus as it may deem, prudent to supplement the county appropriations for the maintenance of separate county high schools established in accordance with the provisions of this Act. To each high school of the Second Class meeting the standard requirements, the Board may appropriate annually a sum of not more than five hundred dollars, and to a high school of the first class under like conditions, a sum of not more than eight hundred dollars, provided that the annual appropriation made by the State Board shall, in no case, be larger than the appropriation of the County Board for the maintenance of such high school, and provided, further, that the State Board shall have the right to withdraw said appropriation from any high school after sixty days' notice to the County Board, if said school fails to conform satisfactorily to the standard or to meet the requirements of the Board for schools of its class. The State Board of Education shall have power to fix such rules and regulations not in conflict with this act as are necessary for the distribution of this fund.

§ 41. No tuition in the high school shall be charged graduates of the common schools residing within the county school districts as defined in Section one, but the County Board shall have power to charge a reasonable tuition for pupils residing in graded or special districts exempt from county taxation for school purposes as provided in Section one, and to arrange with the boards of trustees of such districts for the payment thereof.

§ 42. No trustee, no member of the County Board of Education and no County Superintendent shall be financially interested, directly

or indirectly, in any contract for the purchase of land, the erection or repairs of any school house, the furnishing of supplies or equipment, or the employment of any teacher; and any of said officers so offending shall be guilty of an indictable misdemeanor, and on conviction, shall be fined not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, and shall forfeit his office.

§ 43. All laws and parts of laws in conflict with the provisions of this article are hereby repealed.

Mr. Shoberth offered the following amendments to said bill:

In Section 2, line 11, strike out "forty" and insert "thirty".

Strike out all the words in Sections 5 and 6 and insert the following:

The vote for trustee and visitor in such election shall be taken viva voce.

The officers shall be a Clerk and two Judges who shall be residents of the sub-district and be chosen by the voters at the opening of the polls. The said officers shall be the judges of the qualifications of each voter as prescribed in this act and shall certify the returns of the election to the County Superintendent of Schools within five days after said election.

In Section 15 strike out all the words in lines 8, 9, 10 and 11, and insert:

"When a vacancy exists in any sub-district, the trustee thereof may employ a teacher to fill such vacancy provided a majority of the members of the Division Board in which said sub-district is located shall confirm such election in writing."

In Section 34 strike out all the words in lines 12, 13, 14, 15 and 16.

In Section 36, after line 13, insert:

"Provided that the total expense of conducting said school, including the interest on building and equipment shall be prorated between the boards of education of the city or town, and of the county on the basis of the number of pupils enrolled from each during the first month of each term."

Amend Section 15 by striking out the words:

"In the office of the County Superintendent" in the fourth line, and insert in lieu thereof, the words "At some place in their educational division to be designated by the Chairman."

Mr. Shearer offered the following amendments to said bill:

Amend, by striking from Section 2, line 13, the following words: "Superintendent of Public Instruction" and insert in lieu thereof, the words "County Superintendent of Schools."

Amend by striking from line 4, Section 15, the words "The office of County Superintendent" and insert in lieu thereof, "In its respective division to be designated by the County Superintendent."

Mr. P. W. Berkshire offered the following amendments to said bill:

Amend Section 35 by striking out the figures "1910" and inserting "1912" and in the same line strike out the word "shall" and insert the word "may."

Amend Section 27 by adding the words "provided that no sub-district shall be deemed unnecessary except by a vote of the legally qualified voters of such sub-district, and a majority of such voters voting in the affirmative, and the vote shall be taken on the same day of the

election of sub-district trustee; but no vote shall be taken without first giving ten days' notice to the voters that such vote will be had by first posting notices in at least three of the most conspicuous places in said sub-district."

Amend Section 12 by adding these words "Provided that the trustee of each sub-district shall have the right to nominate the teacher for his sub-district."

Amend Section 34 by striking out all of said Section beginning with line 12.

Mr. Robertson moved that the further consideration of said bill be postponed indefinitely.

Said motion was agreed to.

At the instance of the Committee on Rules

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 345. An act to promote the project of improving the waterways of this Commonwealth and assisting the National Rivers and Harbors Congress in improving waterways and appropriating money therefor.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas the States of New York, Pennsylvania, Ohio and other States have heretofore appropriated liberal sums for promoting the project of improving the waterways as now being conducted by the National Rivers and Harbors Congress, and whereas Kentucky is deeply interested in the improvement of the Ohio river and other

waterways in this State; the sum of $1,000 is hereby appropriated, out of any funds of the Commonwealth not otherwise appropriated, to be used by the National Rivers and Harbors Congress for the project of improving said waterway.

§ 2. Pinkney Varble, Brinton B. Davis and J. Lithgow Smith are appointed a commission for the purpose of receiving said appropriation and turning it over to the proper authorities. They will give their receipts to the Auditor, for said money, and file their receipts with same as to how said money has been disbursed.

§ 3. Whereas other States are appropriating money for the improvement of waterways, in which Kentucky is deeply interested, whereas the appropriation called for in this act will greatly redound to the interest of this Commonwealth, an emergency is hereby declared to exist and this act will take effect from and after its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of the bill at length being dispensed with, it was read the third time by its title and put upon its passage.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,	John W. Holland,	W. A. Price,
T. M. Bertram,	Hite Huffaker,	Geo. W. Reid,
Sidney G. Clay,	Wm. F. Klair,	Sam'l L. Robertson,
M. G. Colson,	H. L. Lewis,	H. A. Schoberth,
Albert J. Counts,	Hugh Mahin,	W. H. Shanks,
C. F. Crecelius,	J. H. McWaters,	W. Logan Shearer,
W. B. Creekmore,	Don G. McVean,	John S. Steers,
L. H. Francies,	Frank S. Moore,	J. W. Turner,

H. T. Gartin,	L. C. Owings,	Geo. C. Waggoner,
Robt. L. Harris,	C. C. Patrick,	W. F. Welch,
L. B. Herrington,	A. H. Points,	W. R. Whitlow,
Samuel D. Hines,		

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Those who voted in the negative were—

Peter J. Cosgrove,	R. Dillard Hunter,	Marion F. Pogue,
S. F. Crabtree,	W. T. Kenton,	L. R. Ray,
C. F. Crecelius,	O. M. Kelsey,	R. A. Read,
Wm. S. Dean,	Ben E. Niles,	J. T. Riherd,
H. C. Duffy,	J. W. Perry,	S. C. Roberts,
G. G. Frazier,	W. F. Pitman,	

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An so said bill was disagreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 241. An act defining motor vehicles, providing for registration of same and uniform rules regulating the use and speed thereof.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the short title of this act shall be the "Motor Vehicle Law." Whenever the term motor vehicle is used in this act, it shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power, except motor bicycles, traction engines and road rollers, the cars of electric and steam railways and other motor vehicles as are propelled exclusively by muscular pedal power.

§ 2. Every owner of a motor vehicle which shall be driven in this State shall, except as otherwise provided in this act, within ten

days after he becomes the owner of such vehicle file in the office of the Secretary of State an application properly sworn to, setting forth his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power stated in figures of horse-power, on a blank to be prepared and furnished by such Secretary of State for that purpose, and shall pay to the said Secretary of State a registration fee of "Five Dollars on all motor vehicles of a power, less than 25 horse power, and Ten Dollars on all motor vehicles of a power equal to or greater than 25 horse power and less than 50 horse power, and Twenty Dollars on all motor vehicles of a power equal to or greater than 50 horse power," per annum for each motor vehicle owned by the person making such application. Said registration shall be made on the date the application is received and filed by the secretary of State and shall expire one year thereafter. Upon the filing in the office of the Secretary of State of said application as hereinbefore provided, the Secretary of State or his duly authorized agent, shall, without further fee assign to such motor vehicle, as described in such application, a distinctive number and shall issue to the owner of such motor vehicle as is described in the application filed a certificate of registration, which certificate shall be in the form of a card, which may be carried in the pocket and which certificate shall contain the distinctive number so assigned to such motor vehicle, the name and address of the owner, a brief description of such motor vehicle, stating the name of the manufacturer, the motor power, and the amount of such motor power stated in figures of horse power, provided, that nothing in this act shall be construed to prevent cities of the first, second and third classes from levying and collecting license taxes from resident owners of motor vehicles for city purposes, by ordinances properly passed.

The Secretary of State shall also issue to the owner of such motor vehicles a seal of aluminum or other suitable metal which shall be circular in form and not to exceed two inches in diameter, having

stamped thereon the words "Registered Motor Vehicle No.———, thereafter at all times to be affixed to the motor vehicle to which such number has been assigned. Duplicate certificates of registration will be issued upon the payment of a fee of fifty cents and the filing in the office of the Secretary of State an affidavit to the effect that the original certificate of registration was lost, stolen or destroyed.

The Secretary of State shall cause the name of such owner with his address, resignation number and date of filing of application and description of such motor vehicle or motor vehicles, to be entered in alphabetical order of the owner's name, in a book to be kept for that purpose in the office of the Secretary of State, provided, that this section shall not apply to manufacturer of or dealers in, motor vehicles in this State, except as to vehicles kept by such manufacturers or dealers for private use or for public hire.

§ 3. The owner of each motor vehicle shall have a number corresponding with the number of the certificate of registration and registration seal issued by the Secretary of State, as hereinbefore provided, conspicuously displayed upon the front and back of every such motor vehicle owned by him, whenever the same shall be driven or used upon public streets, roads, turnpikes, parks, parkways, drives or other public highways in this State; such numbers to be separate Arabic numerals not less than four inches in height and each stroke to be a width of not less than one-half an inch and also as part of such number, the letters KY., such numbers and letters shall be white on black ground, and such letters to be not less than one inch in height.

Said owner shall not be required to place any other marks of identity upon said motor vehicle.

§ 4. Every motor vehicle shall carry during the period from sunset to one hour before sunrise, at least two lighted lamps showing white lights visible at least two hundred feet in the direction toward which each motor vehicle is preceding, and shall also exhibit at least

one red light visible in the reverse direction attached to the rear of such motor vehicle. Upon each of the glass fronts of the two first mentioned lamps showing white lights, shall be displayed in such manner as to be plainly visible when such lamps are lighted, the number of the certificate issued aforesaid by the Secretary of State, and in addition thereto, the letters "Ky.," such figures to be in separate Arabic numerals not less than one inch in height.

§ 5. Each manufacturer of, and dealer in, motor vehicles doing business in this State, shall register one vehicle in each class manufactured or dealt in by him, and if a number corresponding to the number of the registration seal issued to such manufacturer or dealer is displayed upon every vehicle of the class for which it was issued as provided in this section, while such vehicle is being operated by such manufacturer or dealer, or his agent or representative, on the public highway, it shall be deemed a sufficient compliance with Sections two, three and four of this act, until such vehicle shall be sold or let for hire, provided that electrically driven motors shall constitute a class, those propelled by steam power a class, and those propelled by gasoline explosive type engine a class, and that nothing in this section shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for his private use or for hire. No motor vehicle shall be used or operated upon the public highways of this State after this act shall take effect unless the owner shall have complied in all respects with Sections two, three, four and five of this act.

§ 6. The vendor and purchaser of every motor vehicle which has been previously registered by any person other than a manufacturer or dealer, shall within ten days after such sale, join in a statement and send the same by mail to the Secretary of State, and thereupon said registration shall cease to apply to the motor vehicle so sold; and the purchaser of such motor shall register the same as in case of an original registration and another and different number than

the original registration number shall be assigned to said motor vehicle, and the original number shall be cancelled by the Secretary of State.

§ 7. The provisions of Sections two, three, four and five of this act shall not apply to any motor vehicle owned by non-residents of this State, provided the owner thereof has complied with any law requiring the registration of motor vehicles, or the names of the owners thereof, in force in the City, State, Territory, or Federal district of his residence, provided the registration number showing the initial or abbreviation of the name of such City, State, Territory or Federal District shall be displayed on such vehicle, substantially as in Section three of this act provided. And provided that nothing in this section shall be so construed as to exempt non-resident owners and drivers of automobiles from complying with the first part of Section 4 of this act requiring the carrying of lighted lamps as in said section provided.

§ 8. Every motor vehicle while in use on a public highway shall be provided with good and sufficient brakes and also with a suitable bell, horn or other signal device. No part of the mchinery of any motor vehicle shall be left running while such vehicle is left standing without an attendant, on any public highway in this State.

§ 9. No person shall drive a motor vehicle or motor bicycle upon any public highway in this State at a speed greater than is reasonable and proper having regard to the traffic and use of the highway or so as to endanger the life or limb or injure the property of any person.

If the rate of speed of any motor vehicle or motor bicycle operated upon any public highway in this State where the same passes through the closely built-up business portions of any incorporated city, town or village exceeds ten (10) miles an hour for a distance of one-eighth of a mile, or if the rate of speed of any motor vehicle

or motor bicycle operated upon any public highway in this State where the same passes through the residence portion of any incorporated city, town or village exceeds fifteen (15) miles an hour for a distance of one-eighth of a mile, or if the rate of speed of any motor vehicle or motor bicycle operated on any public highway of this State outside of the closely built-up business portions and the residence portions of any incorporated city, town or village, exceeds twenty (20) miles an hour for a distance of one-quarter of a mile, such rate of speed shall be *prima facie* evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the way or so as to endanger the life or limb or injure the property of any person. If the rate of speed of a motor vehicle or motor bicycle operated on a public highway in this State in going around the corner, curve crossing in a highway, where the operator's view of the road traffic is obstructed, exceeds eight (8) miles an hour, such rate of speed shall be *prima facie* evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable, having due regard to the traffic and use of the way or so as to endanger the life or limb or injure the property of any person.

§ 10. Whenever it shall appear that any horse ridden or driven by any person upon any of said roads, or streets or highways is about to become frightened by the approach of any such motor vehicle, it shall be the duty of the person driving or conducting such motor vehicle to cause the same to come to a full stop until such horse or horses shall have passed.

§ 11. No owner of a motor vehicle shall be required to display upon his motor vehicle any other number than the number of the registration seal issued by the Secretary of State, or excluded or prohibited from, or limited in the free use of his said motor vehicle or vehicles, nor limited as to speed upon public street, avenue, road,

turnpike, driveway, parkway or any other public place, at any time when the same is or may hereafter be opened to the use of persons having or using other vehicles, nor be required to comply with other provisions or conditions as to the use of said motor vehicles except as in this act provided; provided, however, that nothing in this section contained shall be construed to apply to or include any speedway created, provided for, or maintained by the local authorities of any city, town, village or other municipal corporation with the State; and provided further, that the local authorities having jurisdiction over the public parks and boulevards connecting or pertaining to the same shall not by the terms of this act be prohibited from adopting and enforcing such reasonable ordinances, rules or regulations, concerning the speed at which motor vehicles may be operated within or upon any such parks, parkways or boulevards, provided the rate of speed of motor vehicles fixed by such ordinances, rules or regulations shall not be lower than the rate fixed for other vehicles and provided that such authorities shall by signs conspicuously placed, indicate the rate of speed permitted by such ordinances, rules or regulations; and provided that nothing in this act shall be construed as affecting the power of municipal corporations to make and enforce ordinances, rules and regulations affecting motor vehicles which are used within their limits for public hire.

§ 12. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to persons or property resulting from negligent use of motor vehicles or motor bicycles on the public highways.

§ 13. All fees collected by the Secretary of State under this act, shall be covered by him into the State Treasury for the benefit of the State Road Fund and to be applied and set apart as an addition to the fund.

§ 14. Any person wilfully violating any of the provisions of this act shall, upon conviction, be fined not less than Twenty Dollars nor

more than Fifty Dollars. Anyone using a fictitious number or numbers after the registration for same has expired, shall be deemed guilty of a misdemeanor and, upon conviction, fined not less than Fifty Dollars nor more than One Hundred Dollars.

All laws or parts of laws in conflict or inconsistent with the provisions of this act are hereby repealed.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	T. D. Graham,	A. H. Points,
J. W. Berkshire,	F. E. Graves,	W. A. Price,
P. W. Berkshire,	Robt. L. Harris,	L. R. Ray,
T. M. Bertram,	L. B. Herrington,	R. A. Read,
J. O. Bogie,	R. Dillard Hunter,	Geo. W. Reid,
O. Houston Brooks,	S. B. Johnson,	H. T. Rich,
Frank J. Brown,	W. G. Keen,	J. F. Richardson,
L. H. Carter,	W. T. Kenton,	J. T. Riherd,
Henry Chunn,	O. M. Kelsey,	Farris Roberts, Jr.,
Sidney G. Clay,	Wm. F. Klair,	S. C. Roberts,
J. R. Claypool,	J. H. Lackey,	Sam'l L. Robertson,
Z. A. Clore,	H. L. Lewis,	H. A. Schoberth,
M. G. Colson,	Hugh Mahin,	W. H. Shanks,
Albert J. Counts,	Frank S. Moore,	W. Logan Shearer,
Peter J. Cosgrove,	R. H. Moss,	W. H. Southall, Jr.,
S. F. Crabtree,	H. J. Meyers,	John S. Steers,
Wm. S. Dean,	L. C. Owings,	J. J. Taylor,
H. C. Duffy,	S. P. Parks,	E. E. Trivette,

L. H. Francis,	C. C. Patrick,	J. W. Turner,
G. G. Frazier,	J. W. Perry,	J. H. Williams,
Chas. W. Fulton,	G. H. Plitt,	J. R. Zimmerman,
H. T. Gartin,	Marion F. Pogue,	--65

Resolved that the title thereof be as aforesaid.

Mr. Shoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 93. An act to provide for and to authorize the refunding and repayment of inheritance taxes where the amount of the legacy to each legatee was less than five hundred dollars.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever it shall be made to appear by affidavit or otherwise, to the satisfaction of the Auditor of Public Accounts that any money has been paid under Section 4281-A of the Kentucky Statutes, where the amount of any legacy to any legatee was no more than Five Hundred Dollars and where said payment was made prior to the 27th day of October, 1908, the date of the decision of the Court of Appeals of Kentucky in Booth's Executor against the Commonwealth. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer of the State for the sum or sums so paid in favor of the person, whether executor or administrator or other person who so paid the same.

§ 2. This act shall take effect and be in force from its passage.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

J. W. Berkshire,	F. E. Graves,	G. H. Plitt,
Frank J. Brown,	Robt. L. Harris,	W. A. Price,
J. T. Buford,	L. B. Herrington,	R. A. Read,
J. P. Chinn,	John W. Holland,	Geo. W. Reid,
Henry Chunn,	R. Dillard Hunter,	G. T. Reynolds,
Sidney G. Clay,	W. G. Keen,	H. T. Rich,
J. R. Claypool,	W. T. Kenton,	J. F. Richardson,
Z. A. Clore,	O. M. Kelsey,	S. C. Roberts,
M. G. Colson,	Wm. F. Klair,	Sam'l L. Robertson,
Albert J. Counts,	J. H. Lackey,	S. M. Russell,
Peter J. Cosgrove,	J. H. McWaters,	H. A. Schoberth,
C. F. Crecelius,	Don G. McVean,	S. A. Shanklin,
W. B. Creekmore,	W. H. Newell,	W. H. Shanks,
Wm. S. Dean,	S. P. Parks,	W. H. Southall, Jr.,
L. H. Francis,	C. C. Patrick,	Geo. C. Waggoner,
G. G. Frazier,	J. W. Perry,	W. R. Whitlow,
Chas. W. Fulton,	John C. Pirtle,	L. F. Withers,

—51

Those who voted in the negative were—

S. F. Crabtree,	J. T. Riherd,	W. Logan Shearer,
W. F. Pitman,		

—4

Resolved that the title thereof be as aforesaid.

Mr. Shoberth moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill entitled:

S. B. 253. An act to amend Sub-Section 1 of Section 3704, Chapter 89, of the Kentucky Statutes, compiled by John D. Carroll, edition of 1909.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sub-Section 1 of Section 3704, Chapter 89 of Kentucky Statutes as same appears in 1909 edition, compiled by Hon. John D. Carroll be and the same is amended by striking out the last two words in said sub-section to-wit, "one year," and inserting in lieu thereof five years so that said sub-section as amended will read as follows:

"The Board of Trustees of such town shall have power to pass ordinances not in conflict with the Constitution or laws of the Commonwealth or of the United States and to impose and collect license fees and taxes on stock used for breeding purposes and all franchises, trades, occupations and professions, and also to contract for supplying the town with water and light. To purchase, lease or receive such real estate and personal property as may be necessary and proper for municipal purposes and control, dispose of and convey the same for the benefit of the said town; Provided, that they shall not have the power to sell or convey any portion of any water front, but may rent such water front for a term of not exceeding twenty years except the wharf privileges which shall not be leased or rented for more than five years.

§ 2. This act shall take effect ninety days after the adjournment of this session of the General Assembly.

Ordered that said bill be read the third time.

The constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz.:

Those who voted in the affirmative were—

R. H. Akin,	H. T. Gartin,	A. H. Points,
J. W. Berkshire,	T. D. Graham,	J. F. Porter,
T. M. Bertram,	F. E. Graves,	L. R. Ray,
J. O. Bogie,	L. B. Herrington,	Geo. W. Reid,
J. T. Buford,	R. Dillard Hunter,	G. T. Reynolds,
L. H. Carter,	W. T. Kenton,	J. F. Richardson,
J. P. Chinn,	Wm. F. Klair,	J. T. Riherd,
Henry Chunn,	Hugh Mahin,	S. C. Roberts,
Sidney G. Clay,	J. H. McWaters,	Sam'l L. Robertson,
J. R. Claypool,	Frank S. Moore,	H. A. Schoberth,
M. G. Colson,	H. J. Meyers,	S. A. Shanklin,
Peter J. Cosgrove,	L. C. Owings,	W. H. Shanks,
S. F. Crabtree,	C. C. Patrick,	W. Logan Shearer,
C. F. Crecelius,	J. W. Perry,	Geo. C. Waggoner,
W. B. Creekmore,	John C. Pirtle,	W. R. Whitlow,
Wm. S. Dean,	W. F. Pitman,	J. H. Williams,
G. G. Frazier,	Marion F. Pogue,	J. R. Zimmerman,

—51

Resolved that the title thereof be as aforesaid.

Mr. Shanks moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

S. Res. 19. A resolution for the benefit of the members of the General Assembly.

Said resolution is as follows:

Be it resolved by the Senate and House of Representatives of the Commonwealth of Kentucky:

That the members of the General Assembly shall be permitted to retain until the expiration of their terms of office the copies of the Codes of Practice and Kentucky Statutes, which have heretofore been furnished them by the Librarian.

Said resolution was concurred in.

A message was received from the Senate announcing that they had concurred in the adoption of the report of conference relative to the matters of difference between the two Houses as to a resolution entitled:

H. Res. 24. A resolution creating a Commission to examine into the condition of the public roads in the various counties of this Commonwealth to ascertain the manner and method of building and maintaining roads in other States and report to the next General Assembly.

And that they had concurred in said resolution as amended by said report.

Mr. Crecelius of the Committee on State Prisons and Houses of Reform offered the following report, viz:

To the General Assembly of the Commonwealth of Kentucky, in session:

Gentlemen:

We, your joint Committee of the Senate and House, directed by resolution to investigate the management and control of the penitentiaries, beg leave to submit the following report of our investigation made pursuant to said resolution.

At the beginning of our labors we found that in February, 1909, the Board of Penitentiary Commissioners had, by letter directed to his Excellency the Governor, requested an investigation by the State Inspector and Examiner of the management and control of the institutions managed by said Board, and especially the investigation of all charges that had been made from time to time by George P. Chinn, Ex-Warden of the Frankfort Penitentiary; and that the State Inspector and Examiner had been for many months conducting a rather extensive investigation of all matters pertaining to the said institutions.

There was turned over to us by the Prison Board all copies of testimony that had been furnished by the State Inspector and Examiner and we had the benefit of that in addition to the proof taken by us. It is well to state, however, in the beginning, that much of the testimony taken by the State Inspector and Examiner in his investigation pertains to periods ante-dating the present administration of the prisons and going back for a period of ten years or more; and that by far the greater part of the testimony so taken that professes to furnish any details of cruelty or mis-management applied exclusively to such remote periods as we have mentioned.

For illustration; we call attention to the following list of witnesses whose testimony was used in the State Inspector and Examiner's investigation, and which list shows in the case of convicts the date of their commitment and release and in the case of discharged guards the period during which each of them served, which will furnish to your Honorable Body a correct idea of the opportunities of such witnesses for having information concerning the present or recent management and control of the institutions.

George West, ex-convict, served a life term for malicious cutting and previously convicted, received the last time Dec., 1894, served 13 years and 6 months, pardoned June 8, 1908—time served under this administration, two years and three months.

Wm. Montgomery, colored, ex-convict, second term, serving eight years for house-breaking, received July, 1902, served six years and one month, and served under the present administration two years and five months, and was discharged August, 1908. J. C. Scott, an ex-convict, serving twelve years for murder, having served one term in the Ohio Penitentiary, received Feb. 3, 1903, served five years and ten months, pardoned Dec. 24, 1908, served under this administration two years and nine months. Wm. Sanders, colored, ex-convict, then convicted and confined in the penitentiary three times, last time was three years for house-breaking, served one year and six months, all under this administration, discharged January, 1908. Ernest Bell, an ex-guard, began work April, 1901, resigned April, 1903, time employed was two years. Not employed at all under this administration. L. L. Cox, ex-guard, began work December, 1899, discharged April, 1905, time employed five years and four months. Not employed at all under this administration. E. A. Bacon, ex-guard, began work December, 1900, discharged January, 1905, employed four months, re-employed, served one year under this administration. S. L. Harney, ex-guard, began work May, 1905, discharged April, 1906, time employed one year and eleven months. The time employed under this

administration one month. H. J. Baker, ex-guard, began work September, 1904, discharged November, 1906; time employed two years and two months. The time employed under this administration, eight months. M. A. Crawley, ex-guard, began work May, 1904, discharged April, 1906, time employed one year and eight months. Not employed at all under this administration. Geo. D. Woodruff, ex-guard, began work September, 1902, was discharged September, 1904, was not employed at all under this administration. Nash Adkins, exguard, began work July, 1905, was discharged March, 1907, employed one year and eight months; time employed under this administration, twelve months. Dock Holbrook, ex-guard, began work June, 1903, discharged July, 1909, time employed six years and one month; time employed under this administration, two years and nine months. A. M. Norris began work August, 1898, was discharged June, 1902, time employed three years and ten months. Not employed under this administration except a few times in 1906. E. D. Cooley, ex-guard, began work August, 1902, was discharged June, 1907, time worked, four years and ten months. C. W. Bruner, ex-guard, began September, 1902, was discharged November, 1906. Time employed, four years and ten months. Employed under this administration nine months, all of whose depositions or testimony show pique, disappointment, envy or malice.

Further, it is proper, also to observe that nearly all of the testimony taken by the State Inspector and Examiner and upon which he bases his report, was furnished by discharged employes having grievances against the prison management, and laboring under a keen sense of resentment against the members of the Prison Board, and the executive officers of the prisons, or by discharged convicts, some of them of the lowest type—many of whom had been insubordinate while confined and smarting with a desire to discredit all the agencies of the law that had been instrumental in keeping them confined or enforcing their obedience to prison rules.

As illustrative of the unreliable character of some of their testimony, we cite the case of J. J. Peel, a guard discharged for cause,

who files with his testimony what purports to be a diary of the punishments inflicted in the penitentiary while he was employed there as guard, substantially all of which is conclusively shown by abundant testimony to be untrue; and among other things he testified that from a position occupied by him as a guard, on the wall, he was able to hear the lashes administered to prisoners inside the cell-house and to understand their appeals to the officer administering the punishment. Your Committee after a thorough test finds that this would have been a physical impossibility and is inclined to the opinion that the witness, along with a great many other witnesses, too numerous to mention, has so thoroughly discredited himself that his testimony is of no value in reaching a conclusion concerning any of the matters about which he professes to give information.

As illustrative of the convicts' testimony furnished by the State Inspector and Examiner, we call attention to a witness who, perhaps, of the discharged convicts, testifies with the most specification, to-wit, Frank Fisher, whose testimony was taken by the State Inspector and Examiner within two or three weeks after he was discharged as a convict from the Frankfort penitentiary; who was addicted to the morphine habit and who, within a few weeks after giving his testimony returned to his home at Knoxville, Tenn., and immediately committed another offense for which he is now serving a term in one of the Tennessee prisons.

These matters are referred to by your Committee principally for the purpose of illustrating the necessity for the taking of much additional proof and of a different character of witnesses, especially in view of the fact that none of the witnesses whose testimony was taken by the State Inspector and Examiner was subject to a cross examination or examined publicly.

Beginning February 25,1910, and after having read and considered all testimony turned over to us which has heretofore been referred to, we made an exhaustive examination of all matters pertaining to the

prison management. We have taken the testimony of many witnesses, including a large number of the inmates of the prison, its officers, attaches, outside persons and ministers of the gospel. The witnesses were all sworn before giving their testimony, and the convicts were given to understand that the whole truth and nothing but the truth was expected; that they could give their testimony publicly or privately; that it would be either destroyed or preserved as a public record at their option, and in fact every inducement was offered to get at the truth.

This testimony was taken indiscriminately and from witnesses of our own selection without giving opportunity to any person to prompt or in any wise anticipate the examination of the witness.

We deemed it best to have a public examination of the witnesses, and so advised the Prison Commissioners, and the officers of the institutions, but they expressed themselves as desiring that the Committee should make its own investigation leaving them to furnish only such co-operation as the Committee might from time to time call for and none of these officers were present except in a very few instances and for a very short time.

Our first examination was that of the charge of excessive punishment at the Frankfort Penitentiary which seems to have been the subject of more discussion than any other phase of prison control. A great deal has been said in public discussion and through the press, and in a volume entitled "Lest We Forget," printed and circulated by George Chinn, ex-warden of this Penitentiary, about the conditions and discipline obtaining there. This institution has the misfortune of being in the midst of the thriving City of Frankfort, and constantly kept before the public thought, by reason of its endless stream of visitors.

We turned our investigation first into a physical examination of all of the prisoners that had been suggested to us as having been

unmercifully whipped and ill-used; had all brought before us that were named as having scars, or having been whipped until the blood flowed from them or had their fingers cut off to escape tasks; had them stripped and these, with ninety-five others, examined in the same way, and found clear of scars of any kind, and they stated that nothing of the kind had ever happened to them although they had been punished frequently during their incarceration for infractions of the rules, and, to a man, they stated nothing of the kind had ever occurred except once under Col. Lillard. We further found from the physical examination and evidence that no excessive punishment had ever been administered, especially under the present management; and it never was the rule to administer excessive punishment; no instance of it has occurred under the rule of the present Warden, E. E. Mudd. We found that corporal punishment is only administered when all other remedies and moral persuasion have failed and the whole prison management is against excessive punishment. We found the present Warden, Col. Mudd, has installed a trial system and no prisoner is ever punished in any way on any charge until a careful investigation of the charges have first been made by the Warden, and then the accused prisoner with the witnesses are brought before the Warden and carefully examined, and in all cases of such trials corporal punishment is the last resort. No high handed conduct is allowed. The physical condition of the prisoner is always considered before corporal punishment is administered, and if corporal punishment is decided upon, it is inflicted in the presence of the Warden or Deputy Warden, and all corporal punishments are administered as carefully as possible, and we accept the evidence of Dr. Barr, the Prison Physician, and the Rev. Geo. L. Herr, an evangelist having no connection with the prisons, Col. E. E. Mudd, Col. Mack Phythian, and the physical examination that we made of the prisoners whipped and their statements, as the true criterion of the practice and modes of punishment, that exist now at the Frankfort Penitentiary. Your Committee examined a negro, Will Booker, not ten minutes after he had been whipped and who was then con-

fined in the solitary and found that he had not been whipped to excess. We absolutely know and so report that neither the management, the Commissioners nor Col. Mudd knew that we were coming to the penitentiary that morning, nor did they, nor any one connected with the penitentiary know that we would examine this prisoner.

The regulations as to the trials of prisoners before punishment are strictly enforced by the present Warden, E. E. Mudd, and have a good effect on the discipline, as every prisoner knows that he will not be punished until after a fair trial is had of any accusation brought against him. We found no instance in which a prisoner was ever whipped at the instigation of the contractors. The contractors have foremen in each room for each squad of men, as they have a right to have under the contract, to see that the work is properly done and to prevent loss, but exercise no authority over any prisoner. Their complaint, if any, is made to the guard in charge of the squad who turns it in to the Deputy Warden and the Deputy Warden turns it in to the Warden, E. E. Mudd. A prisoner may receive a pass on application to go to see the Warden, or may make complaint to his guard or any guard, or Deputy Warden, at any time for anything, and will be and is heard by the Warden.

Your Committee deemed it unwise and beyond the scope of its authority, and unnecessary, to investigate fully the wardenship of Lillard, Hawkins and Chinn as this Committee was not appointed to put the State to the expense of investigating the charges of punishment administered during those Warden's administrations, but to seek for any evil that may exist now with a view of correcting same.

An investigation of the charges against previous administrations could in our judgment be profitable only for the purpose of criticism or comparison, and for the purpose of comparison these questions were asked R. E. Gaines:

Q. "How is the condition of the penitentiary at present compared with that of the past?"

A. Better.

Q. In what respect?

A. In all respects; in the discipline and everything that pertains to the penitentiary. No matter what you ask it is all better than it used to be.

Q. How many wardens have you served under?

A. I served under Henry George, W. S. Hawkins, E. T. Lillard, Nell and George Chinn and am now under this Warden.

Q. Of the different Wardens do you think that the discipline and the condition of the penitentiary are better now than under any former Warden?

A. Yes sir.

Q. Is there any other statement that you care to make?

A. None except that the prison is in better shape than I have ever known it, and I have been here fifteen years.

The testimony of R. R. Gentry, Victor Laughlin, E. K. Boyers, Tom Spencer, Ed Magoffin, G. M. Frye, F. S. Bealmer, A. E. Carter, J. F. Davis, J. W. Wise, W. F. Span, H. H. Beard, J. H. Arnold, J. F. Nichols, G. T. Ireland, Wm. Thompson, Geo. M. Held, J. H. Young, Leon Harrod, Mrs. Kate Hanly, Mrs. Addie Martin, C. S. Rogers, Jas. Rose, Jno. Enlow, and Jos. Severance, and over 100 others is substantially the same as that of the witness Gaines and is submitted and especially referred to as part of this report as to the punishment. The testimony of Frank Fisher, J. C. Scott, Jerry

Young, Jas. Marble, Wm. Sanders, who gave testimony before the State Inspector, and which testimony showed that they had been excessively punished, were punished while Hawkins was Warden, and Wm. Sanders (colored), was pardoned by Gov. Cox, and gave his testimony after receiving pardon. Geo. Henderson and Sherman Powell were punished while Lillard was Warden, and Wm. Jackson (colored) was shot by a guard while Hawkins was Warden. We examined this prisoner who is in the prison now and found no scars on him except those which had been made by the bullet and the surgeon's knife.

We find that there are no punishments inflicted of which a record is not kept, such record showing the name of the prisoner, the offense charged, the person preferring the charge, the punishment inflicted and the date.

We further find that under the present administration there is also kept a complete record of all charges preferred against prisoners, including those upon which they are not punished. We are firmly convinced after a thorough investigation that it would be impossible for these rules to be disregarded unless practically all the force of the penitentiary were parties to the infraction of the rule. We have caused to be taken from the records of the prison at Frankfort complete statements showing the punishments inflicted during the past four years, the per cent of prisoners that were punished by whipping, the per cent that were punished for short task or bad work, and in fact full statistics covering this feature of prison management for the period indicated, and file this statement as part of this report.

From all this evidence your Committee has reached the conclusion that there exists no grounds for the charge that the prisoners are being excessively punished or unnecessarily punished. We are forced to the conclusion that the treatment of prisoners at the Frankfort Penitentiary is and has been during the present administration merciful and humane and only such punishment is resorted to as is absolutely necessary for the orderly conduct of the institution.

INTENTIONAL WOUNDS AND DISMEMBERMENTS.

Touching this feature of the investigation, we made a physical examination of 75 per cent of the convicts, questioning them closely in regard to this subject. Dr. Barr, the prison physician, had given his deposition to the State Inspector and Examiner and his testimony in that regard was considered in connection with the additional testimony and physical examination made by us.

Of one of the convicts concerning whom it was charged especially that he had amputated some of his fingers to spare himself punishment for short task, there was taken a photograph which is filed as part of this report and this shows that he is not maimed in any way. In fact, all of the testimony shows that whatever self-inflicted injuries have happened in the Frankfort Penitentiary were prior to the administration of the present Warden, and we are confident from the testimony that they were the result of unavoidable accidents and we do not believe that but one man has ever purposely cut off his finger to avoid work and that was Curtis Jett; and we wish to add that we cannot imagine why any prisoner, under the existing rules and regulations for their government, and under the system of treatment which prevails in the institutions, would wish to resort to any such expedient.

In the conduct of the investigation we went through the prison and through the shops, and at times when we were not expected, and a great deal of testimony was taken by us in passing through the shops, with a stenographer present, and questioning the convicts as we reached them at their work, and the stenographer taking down the questions and answers, and the Committee selecting the prisoners indiscriminately. On these occasions particular attention was given to the appearance of the prisoners, with a view to detecting any evidence of cruelty or mistreatment, and especially any multilated, mashed or cut fingers. In fact, this phase of the investigation was very exhaustive, with the result that we have above stated.

FOOD AND SANITATION.

A large mass of testimony establishes conclusively that there has been a gradual improvement in the food furnished to the convicts of Kentucky, and that the greatest improvement along that line has been made during the administration of the present Warden at the Frankfort Penitentiary. There is no doubt that the prisoners under him have been given a greater variety and a better quality of food than has heretofore been furnished to prison inmates.

Your Committee went unannounced to the dining room on divers occasions and not only inspected but ate some of the food and know that it is wholesome. The prisoners are fed three times every day. They are given meats, vegetables, molasses, the very best of bread, and upon the whole are exceedingly well cared for in the way of diet. A menu is typewritten every day showing the fare that is served, and these are kept. This has been the practice we find for many months; in fact, during almost all of the term of the present Warden, and we were permitted to and did select copies of these bills of fare for different days during the last year or so, and we file them as parts of this report for your inspection. An examination of the dining room and kitchen showed the utmost cleanliness and care; the floors are of cement, kept spotlessly clean; the tables are comparatively new, and they are carefully washed and cleaned after each meal; the plates and knives and forks and cups and saucers are clean enough for any one to eat from; and upon the whole, the dining room is a credit to the management. The cooking is done in large ovens and kettles, and there is no opportunity for any improper or unclean substance to get into the food; and your Committee wishes to state that any charge that rats or mice get into the food is ridiculous; it would be impossible for them to get there unless they were carried in from the outside and slipped into the food while it is being served.

Your Committee made physical examinations of the prisoners as to clothing, and found them well clothed.

The shops are well heated and ventilated and are kept at an even temperature by a heating system that appears to be very satisfactory; and in all respects, we are of the opinion that the greatest care possible is given to sanitation and to the physical comfort of the inmates.

TASKS.

Your Committee visited the shops unannounced at different times and found ninety per cent of the prisoners had finished their tasks in three-fourths of the time allowed for the completion of the same. One occasion we entered unannounced at 2:30 and found nearly all of the prisoners had finished their days' tasks and were resting. We file herewith a statement showing the names of the prisoners and the shops where they were employed. From these physical examinations and from the testimony we have taken, your Committee is of the opinion that neither impossible nor severe tasks are imposed upon the inmates.

DISCIPLINE.

The discipline of the prison appears to be exceedingly good. There has been instituted at the Frankfort Penitentiary a system of grading the prisoners by clothes and caps, and which seems to have brought satisfactory results. A prisoner coming into the Penitentiary is started in the intermediate grade and is dressed in a gray suit of clothes. When he has been an inmate for three months without having violated any of the rules he is advanced to the first grade and given a blue cap. Prisoners guilty of infractions of the prison rules are reduced in grade, the lowest grade being indicated by the ordinary convict stripes. First grade prisoners are those having and enjoying the most privileges, and the privileges of the convict are diminished as he is reduced in rank. Only prisoners in the third grade are eligible to parole under the rules of the Board. The rules are im-

partially enforced, and this system of grading has done much to promote good order among the convicts, and to obviate the necessity for any severer punishment. It is the purpose of the Prison Board to extend the system to the Branch Penitentiary at Eddyville, as we understand from their statements.

EMPLOYEES.

Your Committee is unable to find that there are unnecessary guards or other employees kept at the prisons, but on the contrary, is of the opinion that it would perhaps be better to have a larger force. The number seems to us to be insufficient for the amount of work necessary to be accomplished. In the case of the absence of any guard, from choice or necessity, there is no extra help to take his place, but a "doubling up" system is used, and none are allowed a vacation with pay. We are of the opinion that as a rule a great deal of care is exercised in the selection of the subordinate employees of the Penitentiaries, and that in most instances they are courteous, sober, discreet and kind; and appear to us to appreciate the responsibility of their position and to be striving for the attainment of the best results.

COST OF MAINTENANCE.

We have included in our examination an investigation of the cost of maintenance of the institutions examined by us, and find that the cost of articles of food, clothing and other supplies necessary for the institutions have been as low as consistent with good material and proper results. The purchases of supplies have been by competitive bidding after public advertisement or after a solicitation of quotation of prices. The cost of food supplies to the institution has largely increased during the past four years in keeping with the trend of such prices all over the country, but notwithstanding this, necessary in-

crease in the cost of supplies used by the penitentiary and the fixed income from the labor of the convicts, the Frankfort Penitentiary has shown a handsome profit over the cost of maintenance for each of the four years. While the Eddyville Penitentiary has shown a deficit because of its smaller population. While it is not expected that the prisons should be maintained as a source of profit to the State, the institutions should have been and have been during the periods covered by this examination, economically managed.

In stating that the Frankfort Penitentiary has earned more than has been disbursed on its account, the Committee does not include the cost of new buildings which are not properly chargeable to any one year's expense. The net cash profit at the Frankfort Penitentiary for the fiscal year ending November 30, 1909, is $41,080.32; for the fiscal year ending November 30, 1908, is $48,545.67. The accounts have been kept in good condition and the whole financial operations of the institutions is easily ascertained from an examination of the accounts and all property and money in the charge of the prison authorities have been accounted for in proper manner.

CAMPAIGN CONTRIBUTIONS.

In regard to campaign contributions we examined every guard and all of the employees in regard to the amount they contributed to last fall's campaign. We find that most all had contributed some, but in each and every instance the question was asked "Was it done freely and voluntarily and without any request or demand upon the part of any official?" and we find some that did not contribute and are still holding their jobs, and we further find that the collections were taken and received by one of the prison guards, and no man was given to understand that his position depended upon the amount or whether he contributed any.

In conclusion, your Committee desires to observe that this investigation and the previous investigation by Mr. Thatcher, the State Inspector and Examiner, demonstrated the propriety of permitting public officers, when their conduct is being investigated, and especially when being investigated by officers of different political complexion, to be present and represented and to have the right to cross-examine the witnesses that are introduced to sustain charges affecting their official conduct. It is not the purpose of this report to criticise the procedure or attack the motives of the Honorable State Inspector and Examiner in the conduct of the examination just closed by him, but as an example of the effect of prohibiting a public officer from cross-examining the witnesses that are attacking his official acts, we call attention to the testimony of five witnesses whose testimony was taken in said investigation; they are, George West, Wm. Henry Montgomery, Wm. Stone, Wm. Sanders and Jim Beemis, all ex-convicts, and each of whom testifies to more or less damaging statements concerning the administration of the prisons. The depositions of these witnesses would lead one to believe that they were all at work and leading honorable lives since their discharge from the Penitentiary, when, in fact, they were all prisoners, confined in the Louisville jail at the time their depositions were taken and were taken from the Louisville jail by some officer and conveyed to the law office of the State Inspector and Examiner at the Kentucky Title Building. Cross-examinations could have brought out these facts, showing the character of these convicts. In addition to instances like these, it is apparent that eighty-five per cent of the testimony taken before the State Inspector and Examiner (if we exclude that of the prison officials themselves) was hearsay and surmise, and a cross-examination of the witnesses so testifying would have brought out the fact that they were testifying to rumors circulated by unreliable convicts or other unreliable persons actuated by spite, pique and motives of revenge. One man's ambition is rarely gratified without a corresponding disappointment to some one else. Accusations against public officers frequently grow out of such a conflict of aspirations, and when a public officer is criticised or his

official acts attacked he should be given the right to meet the witnesses face to face and cross-examine them, as in any other civil case. The penitentiary officials requested of the State Examiner and Inspector this right of cross-examination and it was denied to them. We are of the opinion that had he granted them that right the examination made by him would have completely vindicated them in their management of the affairs of the Institutions under their control, and that this investigation would have been unnecessary.

The statement made in this report as to the incarceration in the Louisville jail of certain ex-convict witnesses at the time their evidence was taken by the State Inspector and Examiner was made upon the testimony of a convict who claimed to have been also confined in the jail at the same time. The State Inspector and Examiner has since provided us with an affidavit to the effect that he did not take the depositions of any witnesses while they were in jail, and we have on to-day communicated with the jailer concerning the jail record, and find that neither of the witnesses named was in jail at the time they gave their depositions, but that all of said witnesses have been confined in the Louisville jail since their discharges from the penitentiary, some of them prior and some subsequent to the giving of their depositions to the State Inspector; and this statement is added in justice to the State Inspector; all of which, as we have heretofore suggested, confirming the contention of your Committee that in such investigations cross-examination of witnesses should be allowed.

Your Committee is unable to find from the testimony taken and investigations made by it any instance or transaction in which the Prison Commissioners or the Officers of the Penitentiary have failed to give the State the benefit of their best efforts and attention in the

management of the important affairs entrusted to them; and is of the opinion that all of these officials have conscientiously endeavored to accomplish the very best results obtainable for the State and the Institutions under their control.

E. M. TAYLOR, Chairman.
HARRY J. MEYERS,
F. E. GRAVES,
Of Special Committee.
C. F. CRECELIUS,
J. O. BOGIE,
FRANK MOORE,
P. J. BEARD,
J. R. CATLETT,
WM. E. DOWLING,
J. H. McWATERS,
CONN LINN,
J. J. WATKINS,
G. T. WYATT,
W. H. SKANKS.

Frankfort, Ky., March 14, 1910.

Hon. Augustus E. Willson, Governor,
Frankfort, Ky.

SIR: I notice that the "Special Committee" of the General Assembly appointed to inquire into the management of the Kentucky Penitentiaries, has given to the press its "revised" and "censored" report, and as published in today's State Journal, it contains, among other things, the statement that in the course of my investigation of these institutions, I had taken the testimony of George West, Wm. Henry Montgomery, Wm. Stone, Wm. Sanders and Jim Beemis, all ex-convicts; that at the time their depositions were taken, they were confined in the Louisville jail, and that they were brought from the jail to my office in the Kentucky Title Building in Louisville by some officer, and that I thereupon took their depositions.

I desire to say that I never took the testimony of any witness named Jim Beemis, nor have I ever heard of such a man before. The testimony submitted with my report fails to disclose the name of any such witness. The statement that any of the witnesses named were confined in the Louisville jail at the time I took their testimony is absolutely untrue, and those of this Special Committee who are responsible for this statement in the report could have ascertained that it was untrue by the slightest investigation. Witnesses George West, Wm. Henry Montgomery, Wm. Stone and Wm. Sanders were not in any custody when I took their depositions. I issued a subponea for them and they were located at various points in Louisville, either at their work or at their homes, and not in any custody whatever, and in obedience to this process came to me and gave their depositions. To-day after reading the published report of the Special Committee, I issued a subponea for Senator E. M. Taylor, Chairman of said Committee, to appear before me and testify in regard to this matter. I desired to learn on what the Committee based the false statement that I had taken the testimony of these witnesses in jail. Senator Taylor thereupon showed me what purports to be a statement made before Representative F. S. Moore, a member of said Committee, of one John Ranks, who is now confined in the Frankfort Penitentiary, and who states that he has served there under Wardens Ed. Taylor, Henry George, Mike Boland, R. A. Hancock, W. T. B. South, E. T. Lillard, W. S. Hawkins, Geo. P. Chinn, and E. E. Mudd. This testimony is unsigned and is in no way verified. Therein it is set forth that the witness states that he was in the Louisville jail when Geo. West, Wm. Henry Montgomery, Wm. Stone, Wm. Sanders, Jim Beemis, and "Diamond Dick" were called on to give their depositions or testimony to the State Inspector. This witness states that I called at the Louisville jail, and that the above witnesses were there. In a vague and indefinite way he states that somebody, to whom he refers as "they," sought to get him to make a statement of conditions in the Frankfort Prison, and that he would not talk, and that he was punished in the Louisville jail for refusing to talk I never called at the Louisville

jail to see any prisoner or person in the course of this investigation, nor did I send anyone there for that purpose. If this prisoner made such statement as is ascribed to him, it is a lie out of whole cloth; and the Special Committee could have learned that it was such had they made any effort to establish the truth or fasity of the statement. The testimony alleged to have been given by Ranks, because of its vagueness, not to say its unreasonableness, falls of its own weight. It seems from his own statement that he has spent the greater part of his life in the Frankfort Penitentiary. Yet the "Special Committee" was willing to accept this statement as true, and to base thereon the charge of unfair conduct against me without giving me any notice thereof, or without offering me an opportunity to disprove it. This shows the utter inconsistency of this Committee. It undertakes to criticize me because, for the reasons already stated, I did not have the Prison Commissioners present at the taking of testimony of witnesses, although I did always furnish to the Commissioners copies of all testimony so taken; yet the Committee did not even furnish me with a copy of the testimony which related to my official action, and was willing to draw an utterly false conclusion from the uncontradicted testimony of a "long-time" convict. As the convict not only had absolutely nothing on which to base his statement, it is manifest that he either made it up to incur favor with those who were being investigated, or else was tutored to make it. When Senator Taylor came to my office today I told him of the utter falsity of the suggestion made in said Committee's report, and voluntarily made oath in contradiction of such statement. Thereupon, he had prepared a further statement bearing on this matter, which he inserted in the said Committee's report before it was filed in the Senate. This supplementary statement made by the Committee is as follows:

"The statement made in this report as to the incarceration in the Louisville jail of certain ex-convict witnesses at the time their evidence was taken by the State Inspector and Examiner was made upon the testimony of a convict who was claimed to have been also confined

in the jail at the same time. The State Inspector and Examiner has since provided us with an affidavit to the effect that he did not take the depositions of any witnesses while they were in jail, and we have on today communicated with the jailor concerning the jail record, and find that neither of the witnesses named was in jail at the time they gave their depositions, but that all of said witnesses have been confined in the Louisville jail since their discharges from the penitentiary, some of them prior and some subsequent to the giving of their depositions to the State Inspector; and this statement is added in justice to the State Inspector; all of which, as we have heretofore suggested, confirming the contention of your Committee that in such investigations cross-examination of witnesses should be allowed."

This illustrates the "care" with which this Special Committee has pursued this investigation.

In my investigation the testimony of each witness who was a former convict shows his incarceration as a convict, and the charge on which he was convicted. All of these matters were brought out in the fullest and fairest way.

In my report filed with you I have fully discussed the plan that I pursued in the taking of testimony in my investigation of prison matters. I quote therefrom, pages 4 and 5, the following:

"The Commissioners had asked me to allow them to be personally present or by counsel at all examinations of witnesses, but for several reasons I deemed it unwise to grant this request, and so advised them; one reason being that I had to take proof at different points, at opportune moments, and frequently without a moment's previous notice, when it would often have been impossible to communicate with the Commissioners in order to give them time to be present. Another reason was that some of the testimony would be that of prisoners who would be loth to testify because of the fear that any testimony they might give, might incur the ill will of the prison authorities, and might

in future subject them to some sort of resentment or oppression from those connected with the prisons, or their friends. Yet another reason was that I could not know what the investigation might develop; that the investigation was not one to be made by me as a court, with all interests represented, but, rather as an inquisitorial officer seeking to learn the facts; and that the purposes of the investigation might be altogether defeated if the Prison Commissioners were always present and heard every statement made by a witness which might seriously involve them or some prison official or employe whose conduct might be shown to have constituted an offense against the law. That in such last named case it would be practically impossible for me to develop a matter sufficiently to determine whether such violation had been committed, as it would give the Commissioners power, if they or their friends so desired, to anticipate all my inquiries and movements, and all my efforts to get to the bottom of the matters inquired about might be futile. So instead of permitting the Commissioners to be personally present at the taking of testimony. I furnished them, from time to time, copies of the sworn testimony that I had taken. As a result they have known exactly what the witnesses have stated, and they have therefore been in position to produce any testimony they might desire to disprove or to answer any charges of improper conduct in prison matters which they desired to disprove or answer."

In addition, I would add that when I discussed the mode of procedure I expected to follow in taking testimony, I stated to the Prison Commissioners that former warden Geo. P. Chinn had asked the privilege of being present at examination of witnesses, if I accorded to the Prison Commissioners the privilege of being present at such examinations. Mr. Chinn argued that his official acts would be under investigation no less than those of the Prison Commissioners, and that if they were allowed to be present, he also should be given the same privilege. I suggested to the Commissioners that, as to matters affecting them and Mr. Chinn, that if both they and he had a representative present at the taking of testimony touching the matters affecting them,

that I would be willing for this arrangement to be carried out. The Commissioners stated that they were unwilling to recognize Mr. Chinn in the matter and refused to consent to such an arrangement. I then told them that, under all the circumstances, I deemed it fair and proper that I take the testimony without their presence, and that I would give them copies of all testimony which might be taken by me so that they would be fully advised as to what statements had been made by witnesses. I also advised them that I would take the testimony of any witness they cared to produce, including those whose testimony I had already taken.

I have sought to weigh fairly the testimony of all the witnesses, considering the probable feeling of former prisoners and former guards, on one side, and of those whose conduct was being investigated on the other. If I had accepted literally the statements of ex-guards and former prisoners my report would have been a recital of horrors. I have not accepted literally the statements of former convicts and ex-guards, as a reading of the proof and my conclusions thereon will show. The low scale of corporal punishment now being administered at the Frankfort Penitentiary, when compared with the volume of such punishment in the past, is the best evidence that, in the past, there has been excess of such punishment administered.

It appears that the Prison Commissioners were not present at the taking of testimony by this Special Committee; that the Commissioners and officers of these institutions, although asked by the Committee to be present at the examinations, failed to avail themselves of this privilege, "except in a very few instances, and for a very short time." If the Commissioners were unwilling to be present at the examination of witnesses before this Special Committee, what right have they to complain, or any one for them, because they were not present at the examination of witnesses made by me? Why did they feel that their presence, at the examination of witnesses made by the Special Committee, was unnecessary?

I do not deem it necessary to further discuss the report of the Special Committee. My own report was made in a conservative spirit, for I did not desire to do any official—past or present—any injustice. Since the filing of my report both Prison Commissioner McCutchen and former warden Chinn have said to me that it is fair. I certainly sought to make it fair, and I believe that it is. My original report containes a complete refutation of any other criticisms contained in the Special Committee's report.

Because of the publicity given to the Special Committee's report in these matters, I deem it just to myself to make this official communication to you touching same.

Respectfully submitted,

M. H. THATCHER,

State Inspector and Examiner.

Said report was received and adopted and ordered to be spread on the record.

The Speaker of the House under and by virtue of a joint resolution entitled:

S. Res. 15. Resolution providing for the appointment of a committee to devise a plan to re-district the State into Appellate, Congressional, Legislative and Judicial Districts.

(For Resolution see House Journal March 9th.)

Appointed the following members of this House as members of said Committee:

Messrs. Wm. F. Klair, J. F. Porter and W. F. Welch.

Under and by virtue of a joint resolution entitled:

H. Res. 24. Resolution creating a commission to examine into the condition of the public roads in the various counties of this Commonwealth to ascertain the manner and method of building and maintaining roads in other States and report to the next General Assembly.

The Speaker appointed the following members of this House as members of said Committee:

Messrs. Lilliard H. Carter, C. F. Crecelius, L. C. Owings, P. W. Berkshire and James W. Turner.

A message was received from the Senate announcing that they had, in accordance with the provisions of the Constitution proceeded to reconsider a bill entitled:

H. B. 231. An Act to revise and amend an Act entitled "An Act to amend Sections 124 and 125 of an Act entitled an Act for the government of cities of the first class," approved July 1, 1893, approved March 21, 1902. Section 1 of said Act being sections 2909 and 2910 of the Kentucky Statutes by John D. Carroll, issued in 1903.

(For said bill see House Journal February 11th.)

Together with the objections of the Governor thereto.

(For said objections see House Journal March 14th.)

That upon said re-consideration, the Senate had refused to pass said bill the objections of the Governor to the contrary notwithstanding, by postponing the consideration of said bill indefinitely.

And said bill with accompanying objections of the Governor thereto was delivered to the House.

Mr. Pogue of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

H. B. 431. An Act amending Section 4038 of the Kentucky Statutes of the edition compiled by Hon. John D. Carroll and issued in 1909.

H. B. 260. An Act relating to weights, measures and balances and the appointment of an Inspector of Weights and Measures for Counties.

H. B. 107. An Act to amend Section eighteen hundred and forty-seven (1847) Kentucky Statutes, edition 1909, and to provide for temporarily filling the office of County Commissioner.

H. B. 435. An Act prohibiting waiters and servants from accepting "tips" in hotels and restaurants.

H. B. 523. An Act to require owners of stock living on islands of the Mississippi River within the jurisdiction of Kentucky to keep up river stock.

H. B. 436. An Act for the benefit of the infant children of Hon. McD. Ferguson, deceased.

H. B. 38. An Act to amend Article 2 of Chapter 6 of Title 6 of the Code of Practice in Criminal Cases, relating to the time of trial.

H. B. 125. An Act relating to Carriers and punishment, fixing a penalty for any person who shall drink intoxicating liquors or be drunk or disorderly upon any public common carrier, or in or about any depot station, ticket office, waiting room, or platform of same, fixing the venue of the prosecution for the violation of same and providing that officers and agents of common carriers may arrest violators.

H. B. 153. An Act appropriating money to pay for the erection of buildings and other improvements upon the State Fair Grounds, and to purchase additional land for the use of the State Fair.

H. B. 401. An Act to establish a plant for the preparation of Hog Cholera serum, and for the distribution of same to the farmers of the State.

H. B. 477. An Act to amend an Act entitled: "An Act for the government of cities of the second class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law, and, as same, has been amended, all of which said Act and amendments now appear as Article 3, of Chapter 89 of the Kentucky Statutes in John D. Carroll's edition thereof in 1909.

H. B. 301. An Act to prevent the spread of communicable disease among domestic animals in the State of Kentucky, and provide greater protection to the live stock industry of the State.

H. B. 124. An Act to amend and re-enact Section 3681, Kentucky Statutes, Carroll's Edition 1909, and enact Sub-section 3681-a providing for the appointment or election of town marshals in Sixth Class towns.

H. B. 302. An Act repealing the Charter of Dycusburg public school.

H. B. 297. An Act providing that names of candidates put on a ballot by petition shall not be placed under the device of a political party entitled to nominate by primary or convention.

H. B. 331. An Act to amend Section 1730 of the Kentucky Statutes, and to increase the fees of jailers.

H. B. 19. An Act to amend Chapter 58 of the Session Acts 1908 entitled: "An Act enabling the Kentucky Board of Pharmacy to ex-

change certificates of registration with other States allowing pharmacists in a foreign State to practice pharmacy in the State of Kentucky.

H. B. 93. An Act to protect religious worship in assemblages known as associations, camp meetings, etc.

H. B. 325. An Act to amend that part of an Act entitled: "An Act for the government of cities of the first class, approved July 1, 1893, which relates to revenue and taxation.

H. B. 416. An Act to amend an Act entitled: "An Act to regulate child labor and to make the provisions thereof effective, approved March 18, 1908.

H. B. 541. An Act amending Section 684 of Sub-division IV, of Article IV, Chapter 32 of the Kentucky Statutes 1903, pertaining to insurance companies.

H. B. 539. An Act to amend an Act entitled: "An Act for preventing the manufacture and sale of adulterated or misbranded food, drugs, medicines and liquors, and providing penalties for violations thereof.

H. B. 391. An Act to amend and re-enact Section 4338 of the Kentucky Statutes.

H. B. 37. An Act to amend an Act entitled: "An Act for the government and regulation of the common schools of this State," approved March 24, 1908.

H. B. 122. An Act for the benefit of the Kentucky Normal and Industrial Institute for colored persons.

H. B. 484. An Act providing that 8 hours shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth.

H. B. 257. An Act to appropriate $5,000 to assist in erecting a monument or memorial building in Todd and Christian at the birth place of Jefferson Davis.

H. B. 525. An Act to repeal an Act entitled: "An Act to amend and re-enact Section 3140, Kentucky Statutes," approved March 22, 1906, and to amend and re-enact Section 3140 of the Kentucky Statutes compiled by John D. Carroll, and to amend and re-enact Section 3138 of the Kentucky Statutes.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled bills which originated in the House to the Clerk.

Ordered that the Chief Clerk deliver the enrolled bills which originated in the House and which have been signed by the presiding officers of the House and Senate to the Governor.

After a time the Chief Clerk reported that he had performed that duty.

Mr. Pogue, of the Committee on Enrollments, reported that they had examined and found correctly enrolled, bills of the following titles, viz.:

S. B. 40. An Act to amend Section 1884 of Chapter 52 of the Kentucky Statutes, Carroll's edition of 1909, entitled: "Fiscal Courts."

S. B. 70. An Act to amend an Act entitled: "An Act for the creation and regulation of private corporations" being an Act relating to the subject of insurance, and the transaction of the business of life or casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan.

S. B. 224. An Act for the benefit of Turnpike Roads of the Commonwealth.

S. B. 139. An Act to amend Section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled: "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent and defining these terms, and fixing and defining the powers of the several County Courts within this Commonwealth with reference to the care, treatment and control of such children and to provide for the means whereby such powers may be exercised.

S. B. 198. An Act to amend an Act entitled "An Act to encourage the establishment and maintenance by private contributions, of Sanitoria in the Commonwealth of Kentucky for the care and treatment of persons suffering from pulmonary tuberculosis, commonly known as consumption, and to make an appropriation to assist such sanitoria as may be already established in Kentucky and those that may hereafter be established, approved March 26, 1908," and to provide a further appropriation for the purpose of said Act.

S. B. 134. An Act to amend Sections 2622, 2623, 2627 and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll.

S. B. 20. An Act for the benefit of the Kentucky Institution for the education of the blind.

S. B. 240. An Act to amend Article 4, Section 186-d of Chapter 11-a of the Kentucky Statutes, Carroll's edition 1909, entitled: "An Act relating to the bonds of public officials and other bonds required by law.

S. B. 48. An Act to amend Section 13, Chapter 221, Acts 1891, 1892 and 1893, entitled: "An Act relating to Courts of Justice," approved June 10, 1893.

S. B. 102. An Act to repeal and amend Sections 2016, 2020, 2021 and 2023 of Chapter 61 of the Kentucky Statutes, Carroll's edition of 1909.

S. B. 248. An Act authorizing the formation of corporations authorized to do a trust, banking and title insurance business.

S. B. 211. An Act to legalize slave marriages and the issue of same in this State.

S. B. 165. An Act to amend Section 2317 of the Kentucky Statutes, relating to lien of landlord.

S. B. 18. An Act to repeal Section 1725 of the Kentucky Statutes and being Sections 6 and 7, Chapter 33 of the Acts of 1894.

S. B. 27. An Act to amend Section 965 of the Kentucky Statutes, which relates to the time of holding Circuit Courts in the First Judicial District.

S. B. 182. An Act to further amend Section 564, Kentucky Statutes, being Section 27 of an Act entitled: "An Act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

S. B. 245. An Act to amend and re-enact Sections 12 and 14 of Article 4, and Sections 10 and 14 of Article 8 of an Act entitled: "An Act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, being Sections 3069, 3071, 3183 and 3187, respectfully, of the Kentucky Statutes.

S. B. 190. An Act to limit the liability of members of mutual or assessment fire insurance companies.

S. B. 87. An Act for the benefit of the Kentucky Home Society for colored children.

S. B. 144. An Act to amend Section 1896 of the Kentucky Statutes, relating to the destruction of fish by guns loaded with steel balls and copper jackets.

S. B. 329. An Act to amend Sub-section 3 of Section 217-a, Article 1, Chapter 16, entitled "Charitable Institutions."

S. B. 228. An Act to appropriate money to pay the deficit occasioned by the Houses of Reform, one for the boys and one for the girls; to pay for the erection of Cottage B No. 2 at said houses heretofore erected, to provide for the acquisition of additional grounds, and water and transportation facilities, and otherwise extending, improving and better equipping said institutions, and empowering the Board of Penitentiary Commissioners to carry out the same, and appropriating money to pay therefor.

S. B. 246. An Act to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3101 and 3102 of the Kentucky Statutes, relating to the control and improvement of streets, public ways, landings, wharves, grounds and residences in cities of the second class.

S. B. 309. An Act to define the limit of what is commonly known as "sweating" and punishing the same and prohibiting the introduction as evidence of any confession obtained by means thereof.

S. B. 347. An Act providing and appropriating money for a contingent fund for the use of the Governor of this Commonwealth.

S. B. 201. An Act to re-adjust and fix the salaries of Assistant Inspectors of Mines.

S. B. 121. An Act relating to public improvements in cities of the second class.

S. B. 236. An Act to promote and compel attendance of children in schools and to prevent truancy in cities of the first, second, third and fourth class, and to enable boards of education or boards of school trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truants, and for the purpose of reducing truancy.

S. B. 63. An Act for the benefit of the Kentucky Division of the Daughters of the Confederacy.

S. B. 67. An Act to provide for county inspectors of apiaries, and defining their duties and providing for their compensation for the purpose of curing and avoiding foul brood and other diseases among bees and their hives.

S. B. 37. An Act to establish a sub-experiment station in Eastern Kentucky and a like station in Western Kentucky.

S. B. 284. An Act authorizing transportation companies in this State to sell at public auction unclaimed articles not perishable in their possession after a period of six months, and in case of freight that is perishable and unclaimed it may be sold as soon as deemed necessary and proper in order to protect the company, consignor and consignee.

S. B. 241. An Act defining motor vehicles, providing for the registration of the same and uniform rules regulating the use and speed thereof.

S. B. 217. An Act to regulate the sale of certain agricultural seed.

S. B. 253. An Act to amend Sub-section 1 of Section 3704, Chapter 89 of the Kentucky Statutes compiled by Hon. John D. Carroll, as same appears in edition of 1909.

S. B. 93. An Act to provide for and to authorize the refunding and repayment of inheritance taxes where the amount of the legacy to each legatee was less than five hundred dollars.

S. Res. 19. Resolution for the benefit of Members of the General Assembly.

S. B. 193. An Act to provide a life-saving apparatus for the Chief State Inspector of Mines and Assistant Inspector.

S. B. 13. An Act changing and fixing the time for holding courts in the Thirty-second Judicial District of Kentucky.

Whereupon all other business was suspended, said bills were severally read at length and compared in open House, and were found to be correctly enrolled. Thereupon the Speaker of the House of Representatives in open session in the presence of the House affixed his signature to each of said bills.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

Mr. Klair moved that a committee be appointed to inform the Senate that the House has now completed the business before it and to request the Senate to appoint a like committee to act in conjunction with the House committee to wait upon the Governor to inform him that the Senate and House of Representatives, composing this General Assembly have completed their labors and were ready to adjourn sine die, and to ask of him if he had any further communications to make to the General Assembly.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Klair, Zimmerman and Welch as said Committee.

After a time the said committee reported that they had waited upon the Senate and had been informed by them that they had completed their labors; that they had acted in conjunction with a like committee from the Senate and waited upon the Governor and informed him that the General Assembly was about to adjourn and asked him if he had any further communications to make; that they had been informed by the Governor that he had no further communications to make to this General Assembly.

Thereupon at 12 o'clock, midnight, the House adjourned sine die.

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Oath taken by ---- 7
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Pogue, Marion F.—

Oath taken by ---- 7
Resolution offered by ---- 129
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Oath taken by ---- 7
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Reid, Geo. W.—

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Richardson, J. F.—

Oath taken by ---------- 7
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Riherd, J. T.—

Oath taken by ---------- 7
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Introduced H. B. 14---------- 135

Roberts, Farris, Jr.—

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S. B. 89, to provide for the punishment of persons responsible for the conditions that render a child dependent, neglected or delinquent ----------484, 755, 764, 1435, 1560

S. B. 90, to amend an act relating to juries--484, 572, 652, 1379, 1491

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S. B. 139, relating to children who are now or may become dependent, neglected or delinquent ------1108, 1204, 1280, 1481, 1714

S. B. 144, to amend section 1896, Kentucky Statutes, relating to the destruction of fish ----------484, 753, 763, 1607, 1716

S. B. 165, to amend section 2317, Kentucky Statutes, relating to lien of landlord ----------485, 1205, 1281, 1626, 1715

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S. B. 179, to amend section 965, Kentucky Statutes, relating to time of holding courts in the Sixth District----1283, 1396, 1450

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S. B. 193, to provide a life saving apparatus for Chief State Inspector of Mines ----------1176, 1373, 1393, 1522, 1718

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S. B. 255, for the benefit of Joseph Morris----------1371, 1396, 1450

S. B. 265, to amend section 388, Kentucky Statutes, relating to record books ----------1107, 1198, 1203, 1415, 1560

S. B. 269, to amend and re-enact sections 2241 and 2242, Kentucky Statutes ----------1283

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S. B. 308, relating to the inspection of all public offices 1035, 1197, 1202, 1311

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S. B. 313, to amend section 3643, Kentucky Statutes--1283, 1396, 1450

S. B. 317, relating to hours of labor in bakeries and confectionary establishments ----------1283

S. B. 318, to amend section 4645a, Kentucky Statutes, increasing salary of stenographer to Governor----1036, 1196, 1202, 1479, 1559

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S. B. 329, to amend subsection 3, section 217a, article 1, chapter 16, Kentucky Statutes, relating to charitable institutions 1176, 1279, 1282, 1538, 1716

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S. B. 345, to promote the project of improving waterways 1240, 1374, 1394, 1671

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S. Res. 17, changing the name of the Louisville and Nashville pike ----1037, 1112, 1200

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Shacklett, Warren R.—

Nominated for Janitor ---- 16

Elected Janitor ---- 18

Shanklin, S. A.—

Oath taken by ---------- 8
Introduced H. B. 427 ---------- 345

Shanks, W. H.—

Oath taken by ---------- 8
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Shearer, W. L.—

Oath taken by ---------- 8
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H. B. 41 ---------- 140
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